

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, DECEMBER 18, 2002 AT 7:30 P.M.**

I. CALL TO ORDER:

Roll Call

Chairperson David G. Schnyer was present and presided. Upon a roll call by Deputy City Clerk Robinson, the following were present: Mayor Michael D. Brown, Chair Pro Tem Sylvia Lee Blue, Councilperson Donald R. Wilson, Councilperson Elizabeth "Liz" Wade, and Councilperson Edward Rodgers. Also present were City Manager William E. Wilkins, Deputy City Clerk Claudene Robinson, and City Attorney Pamala Hanna 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

City Manager Wilkins stated that on page 6 – Item No. 14 – a payment resolution to Beveridge & Diamond – was being added under City Manager's Discussion. He stated that he would also be discussing a proposed workshop schedule.

Chair Pro Tem Blue stated that she had comments to make under Recommendations and Discussion from Mayor and City Council.

Mayor Brown stated that he had comments to make under Recommendations and Discussion from Mayor and City Council.

Councilperson Wilson stated that he had comments to make under Recommendations and Discussion from Mayor and City Council.

Adoption of Agenda

A motion was made by Councilperson Wade and seconded by Councilperson Wilson to approve the agenda with the additions.

MOTION

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

III. AWARDS AND PRESENTATIONS:

ITEM NO. 1

PRESENTATION OF CERTIFICATE TO DAVID NAPIER, FORKLIFT OPERATOR, MARINA DEPARTMENT BY MAYOR MICHAEL D. BROWN FOR EMPLOYEE OF THE MONTH – OCTOBER, 2002.

Doretha Perry, Human Resources Director, presented David Napier with a certificate and a \$50 savings bond.

ITEM NO. 2

PRESENT AND WELCOME NEW EMPLOYEES OF THE CITY OF RIVIERA BEACH FOR THE MONTH OF NOVEMBER, 2002.

Doretha Perry, Human Resources Director, presented the following new employee for the month of November – Daniel Rivera (Police Department).

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

F. Kevin O'Brien, 2755 Broadway, made comments regarding the notification of the redevelopment plan.

Philip Dukes, 1211 Ave T, made comments regarding the location of the proposed new high school.

Emmanuel Jenkins, 2549 Westchester Drive, made comments regarding the location of the proposed new high school.

David Needle, 5201 Village Blvd., made comments regarding a lien reduction.

Gerald Ward, 31 W 20th Street, made comments regarding comprehensive plan settlements.

Arthur Garbarino, 1961 W 9th Street, made comments regarding Waste Management

Ali Saadeh, 201 Old Dixie Highway, made comments regarding 2553 Old Dixie Highway.

Chair Pro Tem Blue stated that prior to any type of occupational license being issued for the property; the environmental issues need to be addressed.

Mike Mahoney, 2120 Broadway, made comments regarding the demolition of the Island Seafood building and the incident that occurred at the last Planning and Zoning Board meeting.

Herman McCray, 2315 Avenue S, made comments regarding the last Planning and Zoning Board meeting.

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.

MINUTES:

ITEM NO. 3

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

1) RESOLUTIONS:

ITEM NO. 4

RESOLUTION NO. 221-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE RENEWAL OF THE OFF-SITE PARKING APPLICATION FROM THE SAILFISH MARINA, TO USE 50 PARKING SPACES LOCATED AT 2655 NORTH OCEAN DRIVE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

ITEM NO. 5

RESOLUTION NO. 222-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE RENEWAL OF THE OFF-SITE PARKING APPLICATION FROM THE PALM BEACH SHORES RESORT AND VACATION VILLAS, TO USE 40 PARKING SPACES LOCATED AT 2655 NORTH OCEAN DRIVE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

2) PETITIONS AND COMMUNICATIONS FOR FILING:

NONE

END OF CONSENT AGENDA

A motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Wilson** to approve the Consent Agenda.

MOTION

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

MOTION APPROVED

V. PUBLIC HEARING:

ITEM NO. 6

RESOLUTION NO. 223-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SPECIAL PERMIT ALLOWING HOWARD GORMAN THE AUTHORIZATION TO RELOCATE A RESIDENTIAL DUPLEX STRUCTURE TO THE SOUTH EAST CORNER OF 6TH STREET AND AVENUE I; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Deputy City Clerk Robinson read the aforementioned resolution into the record.

A motion was made by **Councilperson Wilson** and seconded by **Chair Pro Tem Blue** to approve Resolution No. 223-02.

MOTION

A discussion ensued amongst the City Council and staff.

An amended motion was made by **Councilperson Wilson** and seconded by **Chair Pro Tem Blue** that the resolution is approved based upon the condition that the property owner agrees to a two year compensation cap for the value of the land. If the property owner does not agree, then the special permit will not be granted.

AMENDED MOTION

The City Council directed staff to have the agreement recorded if the property owner agrees to the terms.

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

MOTION APPROVED

ORDINANCES ON SECOND READING:

ITEM NO. 7

ORDINANCE NO. 2923 AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT AND AMENDING THE FUTURE LAND USE MAP OF THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN BY ASSIGNING A COMMUNITY FACILITIES FUTURE LAND USE DESIGNATION TO APPROXIMATELY 15.1 ACRES OF LAND

LOCATED SOUTH OF 13TH STREET BETWEEN OLD DIXIE HIGHWAY AND BROADWAY; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO AMEND THE CITY OF RIVIERA BEACH FUTURE LAND USE MAP; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Robinson read the aforementioned ordinance into the record.

A motion was made by **Councilperson Wilson** and seconded by **Chair Pro Tem Blue** to adopt Ordinance No. 2923.

MOTION

A presentation was made by Mary McKinney, Community Development Director.

Lance Fuchs, 501 S Flagler Dr, made comments on behalf of his client opposing the ordinance.

Bill Contole, 1030 Grand Bahama Ln, made comments against the ordinance.

Stuart Cunningham, 1300 Manor Dr, made comments against the ordinance.

Herman McCray, 2315 Avenue S, made comments against the ordinance.

Gerald Ward, 31 W 20th Street, made comments against the ordinance.

Martha Babson, 156 E 21st Street, made comments against the ordinance.

Jacque Loriol, 127 E 21st Street, made comments against the ordinance.

Cinthia Becton, 500 W 24th Street, made comments against the ordinance.

Anne Woodall, 19154 Basin Street, made comments regarding conducting an archaeological survey and the historical designation placed on the Boys & Girls Club.

Antonia Spence, 1306 W 26th Street, made comments against the ordinance.

Comments were made by the Mayor and City Council.

Deputy City Clerk Robinson announced that Ordinance 2923 was advertised in the August 8, 2002, December 2, 2002, and December 10, 2002 editions of the Palm Beach Post.

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

MOTION APPROVED

ITEM NO. 8

ORDINANCE NO. 2924 AN ORDINANCE 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 COMMUNITY FACILITY "CF" TO APPROXIMATELY 19.8 ACRES OF LAND FOR PROPERTIES LOCATED SOUTH OF 13TH STREET BETWEEN OLD DIXIE HIGHWAY AND BROADWAY; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH ZONING MAP; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Robinson read the aforementioned ordinance into the record.

A motion was made by **Councilperson Wilson** and seconded by **Councilperson Wade** to adopt Ordinance No. 2924.

MOTION

A presentation was made by Mary McKinney, Community Development Director.

Gerald Ward, 31 W 20th Street, made comments against the ordinance.

Herman McCray, 2315 Avenue S, made comments against the ordinance.

Lance Fuchs, 501 S Flagler Dr, made comments against the ordinance on behalf of his client.

Stuart Cunningham, 1300 Manor Dr, made comments against the ordinance.

Comments were made by members of the City Council.

Deputy City Clerk Robinson announced that Ordinance 2924 was advertised in the August 8, 2002, December 2, 2002, and December 10, 2002 editions of the Palm Beach Post.

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

MOTION APPROVED

ITEM NO. 9

ORDINANCE NO. 2934 AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION OF THE CODE OF ORDINANCES BY AMENDING §2-127 ENTITLED "CIVIL BOARD CREATED; COMPOSITION;

QUALIFICATIONS AND REMOVAL OF MEMBERS; QUORUM; MEETINGS” (e) MEETINGS TO CHANGE THE MEETING SCHEDULE; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Robinson read the aforementioned Ordinance into the record.

A motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Wilson** to adopt Ordinance No. 2934.

MOTION

Deputy City Clerk Robinson announced that Ordinance 2934 was advertised in the December 9, 2002 edition of the Palm Beach Post.

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

MOTION APPROVED

VI. ORDINANCES ON FIRST READING:

NONE

VIII. CITY MANAGER'S DISCUSSION:

ITEM NO. 10

RESOLUTION NO. 224-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT, ON BEHALF OF THE CITY OF RIVIERA BEACH, AN APPLICATION TO PALM BEACH COUNTY FOR RECEIVING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR ROADWAY RECONSTRUCTION IN THE AMOUNT OF \$240,000 FOR FISCAL YEAR 2003-04.

Deputy City Clerk Robinson read the aforementioned Resolution into the record.

A motion was made by **Councilperson Wilson** and seconded by **Councilperson Wade** to approve Resolution No. 224-02.

MOTION

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

MOTION APPROVED

ITEM NO. 11

RESOLUTION NO. 225-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA,

APPROVING AN APPLICATION FROM PAUL ANDREW EDWARDS, OWNER OF THE VINTAGE RESTAURANT & LOUNGE FOR A LIMITED EXTENDED HOURS LICENSE TO REMAIN OPEN UNTIL 5:00 A.M. ON WEEKENDS AND HOLIDAYS FOR PROPERTY LOCATED AT 84 EAST 30TH STREET; PROVIDING FOR AN EFFECTIVE DATE.

Deputy City Clerk Robinson read the aforementioned Resolution into the record.

A motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Wade** to approve Resolution No. 225-02.

MOTION

Marlena Berghammer, Vintage Restaurant employee, made comments in support of the applicant.

Ralph Marston, 84 E 30th Street, made comments in support of the applicant.

Paul Edward, 84 E 30th Street, made comments in reference to his business.

Maria Marrero, 144 E 30th Street, made comments in opposition of the application.

Dave Macpherson, 174 E 30th Street, made comments in opposition of the application.

Mark Hopper, 148 E 30th Street, made comments in opposition of the application.

A lengthy discussion ensued amongst the City Council and staff.

A motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Wade** to table Resolution No. 225-02.

MOTION TO TABLE

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

MOTION APPROVED

ITEM NO. 12

RESOLUTION NO. 226-02 AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE PALM BEACH COUNTY REGARDING SAND TRANSFER FROM THE MUNICIPAL BEACH FOR PURPOSES OF DUNE RESTORATION; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Clerk Robinson read the aforementioned Resolution into the record.

A motion was made by **Councilperson Wilson** and seconded by **Councilperson Wade** to approve Resolution No. 226-02.

MOTION

Joyce Sambursky, 5070 N Ocean Dr, spoke in support of the resolution.

John Palm, 5080 N Ocean Dr, spoke in support of the resolution.

Marilyn Dill, 5070 N Ocean Dr, spoke in support of the resolution.

Sandra Tate, 5280 N Ocean Dr, spoke in support of the resolution.

A discussion ensued amongst the Mayor, City Council, and Ms Tate.

Gerald Ward, 31 W 20th Street, spoke in opposition of the resolution.

A discussion ensued amongst the Mayor and City Council.

An amended motion was made by **Councilperson Wilson** and seconded by **Councilperson Wade** to change the terms of the agreement from five years to one year and reflect same in the resolution.

AMENDED MOTION

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

MOTION APPROVED

ITEM NO. 13

REQUEST TO APPOINT THREE REGULAR MEMBERS AND TWO ALTERNATE MEMBERS TO THE ZONING BOARD OF ADJUSTMENT.

A presentation was made by Mary McKinney, Community Development Director.

A motion was made by **Chair Pro Tem Blue** to reappoint those who would like to be reappointed and to move the alternate to regular appointment; motion was seconded by **Councilperson Wilson**.

MOTION

Gerald Ward, 31 W 20th Street, made comments regarding the Zoning Board of Adjustment.

Upon a roll call by Deputy City Clerk Robinson, the vote was 4-0 with Councilperson Wade out.

MOTION APPROVED

Mary McKinney, Community Development Director, stated that there were two alternate positions vacant on the board.

A motion was made by **Chair Pro Tem Blue** and seconded by **Councilperson Wilson** to appoint Jessie Corbin.

MOTION

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

MOTION APPROVED

ITEM NO. 14

RESOLUTION NO. 227-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO MAKE PAYMENT IN THE AMOUNT OF \$37,724.86 TO BEVERIDGE AND DIAMOND, P.C. FOR PROFESSIONAL LEGAL SERVICES RENDERED IN THE MATTER OF THE SOLITRON SITE UNDER ACCOUNT NO. 401-1417-5360-3406.

Deputy City Clerk Robinson read the aforementioned resolution into the record.

A motion was made by **Councilperson Wade** and seconded by **Councilperson Wilson** to approve Resolution No. 227-02.

MOTION

Upon a roll call by Deputy City Clerk Robinson, the vote was 4-0 with Chairperson Schnyer out.

MOTION APPROVED

City Manager Wilkins reviewed the upcoming workshop schedule.

The City Council requested that the material for all workshops be delivered at least a week in advance.

City Manager Wilkins stated that the city would be sponsoring the breakfast for the opening of Palm Beach County Day and that the marina director was looking into the possibility of the tall ship visiting the city.

A report was given by George Carter, Marina Director.

A motion was made by **Councilperson Wilson** and seconded by **Chair Pro Tem Blue** to waive the wharfage fee for the docking of the tall ship.

MOTION

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

MOTION APPROVED

City Manager Wilkins gave an update on the Avenue U, aquatic facility, and community center projects.

IX. CITY ATTORNEY'S REPORT:

NONE

X. RECOMMENDATIONS AND DISCUSSIONS FROM MAYOR & COUNCIL:

Chair Pro Tem Blue made comments regarding an RV parked at the marina; complaints received about 27th Street and Avenue E; and announced the toy giveaway at the Civil Drug Court.

Mayor Brown stated that he would be contacting each councilmember regarding their schedule and call a special meeting for the purpose of getting input from the City's and CRA's consultants concerning what needs to be incorporated into an ordinance to address industrial operations that are operating in a manner that may cause some health concerns to the residents. He also stated that there was a need to discuss possible violations of the Homeland Security Act by the Port of Palm Beach and Palm Beach Cold Storage.

XI. ADJOURNMENT

There being no further business the meeting was duly adjourned.

APPROVED:

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MICHAEL D. BROWN, MAYOR

DAVID G. SCHNYER, CHAIRPERSON

ATTEST:

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

SYLVIA LEE BLUE, CHAIR PRO-TEM

dwilson.gif (865 bytes)



**DONALD R. WILSON
COUNCILPERSON**

ewade.gif (1297 bytes)



MOTIONED BY: D. Wilson
SECONDED BY: S. Blue

**ELIZABETH "LIZ" WADE
COUNCILPERSON**

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



**EDWARD RODGERS
COUNCILPERSON**

DATE APPROVED: 12/02/2002