

**CITY OF RIVIERA BEACH, FLORIDA
REGULAR CITY COUNCIL MEETING
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, 07 MARCH 2001, 7:30 P.M.**

I. CALL TO ORDER:

Roll Call

The regular meeting of the City of Riviera Beach City Council was called to order at 7:30 p.m. The following were present: Chair Pro-Tem Elizabeth "Liz" Wade, Councilperson Sylvia Lee Blue, Councilperson Donald R. Wilson, and Councilperson David H. Schnyer. Also present were Assistant City Manager Gloria Shuttlesworth, City Clerk Carrie E. Ward, CMC/AE, and City Attorney Pamala H. Ryan.

Mayor Michael D. Brown, Chairperson Edward Rodgers, and City Manager William E. Wilkins were absent, due to official business.

Invocation/Pledge of Allegiance

Everyone stood for a moment of silent prayer and the pledge of allegiance to the flag.

II. PETITIONS AND COMMUNICATIONS FOR FILING:

City Clerk Ward read into the record a memo entitled "Mayor and City Council Swearing-in", which was part of council's agenda, to wit:

In compliance with our Code of Ordinances, Article II, Section 7, and in accordance with the adopted Florida Code, respective to uniform electoral procedure, the newly elected Council/Mayor ceremony shall take place at the City Council meeting on March 21. She stated, as a result of the March 13 Municipal General Election, this is to respectfully advise—at the culmination of final comments from the mayor and city council, the regular meeting shall adjourn *sine die*. Swearing-in of the newly elected legislators would commence... and each legislator would be provided with the oath of office, and that she would provide each with a Certificate of Election, according to their respective district, Guide to Sunshine Law for Local Elected Officials, a copy of the City Charter and City Ordinances. She indicated that following the ceremony, the meeting would reconvene to proceed with the selection of the chairperson and chair pro-tem; and proceed with the regular agenda as outlined or amended.

III. AGENDA APPROVAL:

Additions, Deletions, Substitutions

Respectively, Assistant City Manager Shuttlesworth stated additions, deletions and substitutions to the agenda. (copy attached)

Adoption of Agenda

Motion was made by Councilperson Schnyer and seconded by Councilperson Wilson to approve the agenda as amended. MOTION

Upon roll call, the vote was unanimous. APPROVED

IV. AWARDS AND PRESENTATIONS:

MAYOR'S PROCLAMATION PROCLAIMING MARCH 10, 2001 AS SIGMA GAMMA RHO YOUTH DAY IN THE CITY OF RIVIERA BEACH.

In the absence of Mayor Brown, Chair Pro Tem Wade read into the record the referenced proclamation.

2001 CAMPAIGN WALK FOR JUVENILE DIABETES.

Don Jacobovitz (Director/CRB Public Works) announced that City employees were challenged by the city of West Palm Beach to raise funds for the referenced event. He commented regarding raffle tickets and other instruments to accomplish success of the campaign efforts scheduled to climax on April 07, 2001.

V. CONSENT AGENDA:

ALL MATTERS LISTED UNDER THIS ITEM WERE CONSIDERED ROUTINE AND ACTION WAS TAKEN BY ONE MOTION. THERE WAS NO SEPARATE DISCUSSION OF ITEMS UNLESS A COUNCIL MEMBER OR A PERSON REQUESTED, IN WHICH EVENT THE ITEM WAS REMOVED FROM THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA. ANY PERSON WHO WISHED TO SPEAK ON AN AGENDA ITEM FILLED OUT A PINK PUBLIC COMMENT CARD LOCATED IN THE BACK OF THE COUNCIL CHAMBERS AND GAVE TO THE COUNCIL CHAIR OR THE LEGISLATIVE AIDE. CARDS WERE SUBMITTED BEFORE ITEM WAS DISCUSSED.

MINUTES:

MINUTES FROM THE REGULAR CITY COUNCIL MEETING HELD ON FEBRUARY 21, 2001.

RESOLUTIONS:

RESOLUTION NO. 29-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING A DONATION OF \$1,500 TO NEW BEGINNINGS COMMUNITY DEVELOPMENT CENTER; AND AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO MAKE THIS PAYMENT FROM ACCOUNT NUMBER 150-0817-5210-8301; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 30-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE FINAL PAYMENT TO BARKER, OSHA & ANDERSON (BOA), INC. FOR PROFESSIONAL ENGINEERING CONSTRUCTION SERVICES RELATED TO UTILITY IMPROVEMENTS ALONG THE CONGRESS AVENUE EXTENSION TO SILVER BEACH ROAD AT A TOTAL COST OF \$3,763.54 AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO PAY THIS AMOUNT FROM ACCOUNT NUMBER 403-0000-5330-6508.

RESOLUTION NO. 31-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE CONTRACT TO FROEHLING'S/PAPICO OF PALM CITY, FLORIDA, THE LOWEST BIDDERS IN THE AMOUNT OF \$28,400 FOR THE RESURFACING OF TENNIS COURT AT LONE PINE ESTATES, AND THE FOUR COURTS AT WELLS RECREATION CENTER; AND DIRECTING THE FINANCE DIRECTOR TO PAY SAID AMOUNT FROM ACCOUNT NUMBER 305-1232-5720-4603.

RESOLUTION NO. 32-01 - 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 CONTRACT WITH NICK MILLER, INC. FOR PROVIDING SURVEYING SERVICES TO THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

AGENDA FORMAT FOR THE MARCH 21, 2001 REGULAR COUNCIL MEETING AS A

RESULT OF THE MARCH 13, 2001 MUNICIPAL GENERAL ELECTION, SUBMITTED BY CITY CLERK CARRIE E. WARD.

END OF CONSENT AGENDA

Motion was made by Councilperson Blue and seconded by Councilperson Wilson to approve the Consent Agenda as amended. MOTION

Upon roll call, the vote was unanimous. APPROVED

VI. PUBLIC HEARING:

A SPECIAL EXCEPTION AND SITE PLAN REVIEW APPLICATION FROM MARSHALL FLEURY AND KAREN STEDMAN TO CONSTRUCT A 19,594 SQUARE FOOT CUMMUNITY CARE FACILITY ON A 3.06 ACRE PARCEL LOCATED ON THE NORTH SIDE OF LEO LANE APPROXIMATELY 1156 FEET EAST OF MILITARY TRAIL FOR PROPERTY ZONED RML-12 (LOW DENSITY MULTIPLE FAMILY DWELLING DISTRICT).

City Clerk Ward read into the record the above-referenced request.

Motion was made by Councilperson Wilson and seconded by Councilperson Schnyer to approve. MOTION

Upon roll call, the vote was unanimous. APPROVED

ORDINANCE ON SECOND READING:

ORDINANCE NO. 2891 – AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING A PETITION FOR VOLUNTARY ANNEXATION FROM PROSOURCE BUILDING LTD., WITH LAND LOCATED IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA, CONTAINING 1.73 ACRES, LYING ON THE NORTHEAST CORNER OF WESTROADS DRIVE AND WHITE DRIVE, CONTIGUOUS TO THE PRESENT BOUNDARIES OF THE CITY OF RIVIERA BEACH; PROVIDING FOR REDEFINING OF THE MUNICIPAL BOUNDARIES TO INCLUDE SAID LAND; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE THEREOF; AND FOR OTHER PURPOSES IN ACCORDANCE WITH SECTION 171.046, FLORIDA STATUTES.

City Clerk Ward read into the record the referenced ordinance and stated publication as February 25, 2001, Palm Beach Post.

Motion was made by Councilperson Blue and seconded by Councilperson Schnyer to approve. MOTION

Upon roll call, the vote was unanimous. APPROVED

VII. ORDINANCES OF FIRST READING:

None.

VIII. CITY MANAGER'S DISCUSSION:

1. RESOLUTION NO. 33-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING ADDITIONAL SERVICES IN THE AMOUNT OF \$15,900 AND AN EXTENSION OF TIME TO HAAS, DIAZ & COMPANY FOR PERFORMANCE OF THE CITY OF RIVIERA BEACH'S ANNUAL AUDIT.

City Clerk Ward read into the record the referenced resolution.

Motion was made by Councilperson Blue and seconded by Councilperson Wilson to approve. MOTION

Councilperson Wilson requested clarification of the resolution.

Dennis Widlansky (CRB Finance Director) indicated that the referenced resolution had nothing to do sidewalk issues on Singer Island; but, with concerns related to audit services and additional-related work performed within the finance department.

Upon roll call, the vote was unanimous. APPROVED

2. RESOLUTION NO. 34-01 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, EXPRESSING THE CITY'S INTENTION TO BE REIMBURSED FROM THE PROCEEDS OF TAX-EXEMPT DEBT FOR CERTAIN CAPITAL EXPENDITURES TO BE PAID BY THE GENERAL FUND PRIOR TO THE ISSUANCE OF THE DEBT BONDS; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced resolution.

Motion was made by Councilperson Blue and seconded by Councilperson Wilson to approve. MOTION

City Attorney Ryan stated necessity to untable the referenced item.

Motion was made by Councilperson Schnyer and seconded by Councilperson Wilson to untable the resolution. MOTION TO UNTABLE

Upon roll call, the vote was unanimous. APPROVED

Motion was made by Councilperson Schnyer and seconded by Councilperson Wilson to approve. MOTION

Upon roll call, the vote was unanimous. APPROVED

At this point, Councilperson Schnyer informed some and reminded others of the scheduled workshop to be held March 22, 2001, 1:00 p.m., City Council Chambers —to address sidewalk concerns on Singer Island along A-1-A.

IX. CITY ATTORNEY'S REPORT:

REQUEST FOR CLOSED EXECUTIVE SESSION TO BE HELD MARCH 15, 2001, 6:00 P.M. REGARDING THE FOLLOWING CASES:

Edward Brochu v. City of Riviera Beach
U.S.D.C. Case No. 98-8031 CIV-RYSKAMP
City's Special Counsel: Jacob A. Rose, Esquire
Don Stephens, Esquire

Donald Hendrickson v. City of Riviera Beach
Case No. 98-11503 AG
City's Special Counsel: Steven Pincus, Esquire

City Attorney Ryan stated that she would be present at both meetings.

There was consensus by Council that the sessions would be held as referenced above.
CONSENSUS

X. STATEMENTS FROM THE PUBLIC (TWO MINUTES):

Mike Mahoney (Dee's T-shirts) stated a need for different types of police patrol along Broadway. Discussion ensued.

Earl Davis (1001 W. 4th Street/President, Southside Coalition) commented regarding despair of the coalition and concerns related to police support thereof. Discussion ensued.

Councilperson Schnyer advised **Assistant City Manager Shuttlesworth to meet, by March 08, with police officials and Mr. Davis in order to address concerns stated by Mr. Davis.** COUNCIL RESPONSE REQUESTED

Chair Pro Tem Wade requested that **Assistant City Manager Shuttlesworth copy Council with the results of the referenced meeting and the complaint form submitted by Mr. Davis.** COUNCIL RESPONSE REQUESTED

Ken Clow (4016 68th Street, Palm Lakes Estates) stated concerns regarding nuisances that were generated by a heavy equipment company in Riviera Beach, abutting their senior-residential community. He requested support of the City to remedy their concerns.

XI. RECOMMENDATIONS AND DISCUSSION FROM MAYOR & COUNCIL:

Chair Pro Tem Wade asked that Mr. Clow provide contact information to Judith Thomas (CRB Planning & Zoning Administrator), in order that he be notified regarding plans for expansion of the referenced company. She proceeded to elaborate. Discussion ensued.

Councilperson Schnyer requested that **Assistant City Manager Shuttlesworth meet with Major Friedman (Code Enforcement) to review the concerns of Mr. Clow and inform Council thereof. He requested a copy of the complaint form and response thereto.** COUNCIL RESPONSE REQUESTED

Discussion ensued.

Councilperson Blue requested that **Judith Thomas** (CRB Planning & Zoning Administrator) **provide Council with information related to Mr. Clow's concerns.** COUNCIL RESPONSE REQUESTED

Discussion ensued.

Councilperson Wilson stated a need for all parties to meet, in order to mediate concerns for resolution. He asked that Mr. Clow provide contact information to Assistant City Manager Shuttlesworth for preparation of the meeting.

POINT OF ORDER: City Clerk Ward read into the record a letter of notice of the POLICY ON BALLOTS WITH CHADS NOT COMPLETELY REMOVED.

She stated this was the policy adopted by the county and request in order to be consistent with the procedures utilized by the Broward County Canvassing Board, the Palm Beach County Canvassing Board, that Riviera Beach adopts the policy. She read as follows:

In order to be consistent with the procedures utilized by the Broward County Canvassing Board, the city of Riviera Beach has determined that the Policy to consider whether a valid vote has been cast is as follows:

A *chad* that is hanging or partially punched in on at least two corners may be counted as a vote. In accordance with the Honorable Jorge Labarga's ruling, this Policy does not exclude any ballot bearing only one corner punched or an indentation ("dimple"), such a ballot may be counted as a vote if there is clear evidence of a voter's intent to cast a vote as determined by the discretion of the Canvassing Board.

ADOPTED BY THE CITY OF RIVIERA BEACH CANVASSING BOARD ON MARCH 07, 2001.

Michael D. Brown, Mayor
Edward Rodgers, Chairperson
Elizabeth "Liz" Wade, Chair Pro-Tem
Donald R. Wilson, Councilperson
Sylvia Lee Blue, Councilperson
David G. Schnyer, Councilperson
Carrie E. Ward, City Clerk
Claudene Robinson, Deputy City Clerk

Motion was made by Councilperson Blue and seconded by Councilperson Schnyer to adopt the procedure as submitted by City Clerk Ward. MOTION TO ADOPT

Discussion ensued.

City Clerk Ward further stated the ballot for Riviera Beach was designed and prepared according to the federal guideline.

Since Riviera Beach created its own ballot, City Clerk Ward indicated that she did not anticipate any problems; that, Riviera Beach would be responsible for the election of March 13. She proceeded to elaborate.

Upon roll call, the vote was unanimous. APPROVED

XII. ADJOURNMENT:

There being no other business, the meeting duly adjourned at 8:20 p.m.

APPROVED:

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MICHAEL D. BROWN, MAYOR

EDWARD RODGERS, CHAIRPERSON

ATTEST:

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ewade.gif (1297 bytes)



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

ELIZABETH WADE, CHAIR PRO-TEM

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**DONALD R. WILSON
COUNCILPERSON**

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

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

**SYLVIA LEE BLUE
COUNCILPERSON**

dschnyer.gif (881 bytes)



D. SCHNYER: aye

DAVID G. SCHNYER
COUNCILPERSON

DATE APPROVED: 03/21/2001