

**CITY OF RIVIERA BEACH, FLORIDA
REGULAR CITY COUNCIL MEETING
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, 21 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. The following were present: Mayor Michael D. Brown, Chairperson Edward Rodgers, Chair Pro-Tem Elizabeth "Liz" Wade, Councilperson Sylvia Lee Blue, Councilperson Donald R. Wilson, and Councilperson David G. Schnyer. Also present were City Manager William E. Wilkins, City Clerk Carrie E. Ward, CMC/AEE, and City Attorney Pamala H. Ryan.

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:

None.

III. AGENDA APPROVAL:

Additions, Deletions, Substitutions

Respectively, additions, deletions, and substitutions to the agenda were stated by Council and City Manager Wilkins. (copy attached)

Adoption of Agenda

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

Upon roll call, the vote was unanimous. APPROVED

IV. AWARDS AND PRESENTATIONS

PROCLAMATION PROCLAIMING THE WEEK OF MAY 20-26, 2001, AS NATIONAL PUBLIC WORKS WEEK IN THE CITY OF RIVIERA BEACH, FLORIDA. Mayor Brown

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 MARCH 21, 2001.

RESOLUTIONS:

RESOLUTION NO. 35-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING THE BID FOR RECONSTRUCTION OF WEST 35TH STREET TO SELECT CONTRACTING, INC. IN THE AMOUNT OF \$337,849.83; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT AND FURTHER AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME FROM ACCOUNT NO. 108-0716-5190-5304 AND ACCOUNT NO. 402-1437-5330-4606.

RESOLUTION NO. 36-01 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, DECLARING THE RESULTS OF THE MARCH 13, 2001 GENERAL ELECTION AND NAMING THE RECIPIENTS FOR MAYOR, DISTRICT 1, DISTRICT 3, AND DISTRICT 5, RESPECTIVELY.

END OF CONSENT AGENDA

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

Upon roll call, the vote was unanimous. APPROVED

City Clerk Ward stated that the City of Riviera Beach sat as its Canvassing Board for the *March 13 Municipal Election*. She proceeded to read into the record Resolution No. 36-01 and commented regarding results of the voter percentile.

Chairperson Rodgers gave congratulations to City Clerk Ward for the efficient operation of the Municipal Election.

Motion was made by Councilperson Wilson and seconded by Councilperson Schnyer to approve the *Canvassing Board Report* by City Clerk Carrie E. Ward. MOTION

Upon roll call, the vote was unanimous. APPROVED

On behalf of the City Council, Chairperson Rodgers gave congratulations to Councilperson Elizabeth Wade for her success in the election.

VI. PUBLIC HEARING:

None.

ORDINANCE ON SECOND READING:

None.

VII. ORDINANCES OF FIRST READING:

ORDINANCE NO. 2892 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, IMPLEMENTING THE INDUSTRIAL PRETREATMENT ORDINANCE IN COMPLIANCE WITH THE FLORIDA ADMINISTRATIVE CODE WHICH ENABLES THE CITY AND THE EAST CENTRAL REGIONAL WASTEWATER TREATMENT FACILITY (ECRWWTF) TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS, INCLUDING THE CLEAN WATER ACT AND RULE 62-625, F.A.C. PRETREATMENT REQUIREMENTS FOR EXISTING AND OTHER SOURCES OF POLLUTION); AND PROVIDING FOR THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF RIVIERA BEACH AND FOR THE PROTECTION OF THE ENVIRONMENT.

City Clerk Ward read into the record the referenced ordinance.

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

City Manager Wilkins commented and indicated compliance by the City of Riviera Beach.

Upon roll call, the vote was unanimous. APPROVED

ORDINANCE NO. 2893 – AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY OF RIVIERA BEACH BY ASSIGNING AN INDUSTRIAL LAND USE DESIGNATION FOR 1.73 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF WESTROADS DRIVE AND WHITE 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 into the record the referenced ordinance.

Motion was made by Chair Pro-Tem Wade and seconded by Councilperson Wilson to approve. MOTION

City Manager Wilkins commented.

Upon roll call, the vote was unanimous. APPROVED

ORDINANCE NO. 2894 – 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 IG "GENERAL INDUSTRIAL" FOR 1.73 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF WESTROADS DRIVE AND WHITE DRIVE; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH ZONING MAP; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read into the record the referenced ordinance.

Motion was made by Councilperson Blue and seconded by Chair Pro-Tem Wade to approve. MOTION

Richard Ahrens (3750 Investment Lane, W.P.B.) stated opposition to the referenced ordinance.

Mary McKinney (CRBCD) commented regarding the required compliance of notice to the neighboring-property owners.

Upon roll call, the vote was unanimous. APPROVED

VIII. CITY MANAGER'S DISCUSSION:

1. RESOLUTION NO. 37-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO RELEASE THE CODE ENFORCEMENT LIEN ON PROPERTY LOCATED AT 3301 BROADWAY, RIVIERA BEACH, FOR VIOLATIONS THAT ARE IN COMPLIANCE FOR THE AMOUNT OF \$3,600; AND PROVIDING AN EFFECTIVE DATE.

City Manager Wilkins gave a highlighted presentation of the referenced resolution and stated staff recommendation to approve.

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

Discussion ensued.

Upon roll call, the vote was unanimous. APPROVED

William Bosso, Jr. (Law Firm of Bosso & Bosso) commented.

2. RESOLUTION NO. 38-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY WITH PETER LAMELAS, M.D., M.B.A./INPHYNET FOR PROVISION OF MEDICAL DIRECTION SERVICES FOR THE CITY'S PARAMEDICS, EMT'S, LIFEGUARDS, AND EMERGENCY MEDICAL DISPATCH PROGRAM, AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT IN THE AMOUNT OF \$21,000 FOR THE FIRST YEAR AND \$24,000 FOR THE TWO REMAINING YEARS AS SPECIFIED IN THE CONTRACT FOR A THREE (3) YEAR TOTAL OF \$69,000 AND PROVIDING AN EFFECTIVE DATE.

City Manager Wilkins gave a highlighted presentation of the referenced resolution and stated staff recommendation to appoint Dr. Lamelas as the City's medical director.

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

City Manager Wilkins commented.

Upon roll call, the vote was unanimous. APPROVED

3. RESOLUTION NO. 39-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THAT THE PAY & CLASSIFICATION PLAN BE AMENDED BY REGRADING THE CLASSIFICATION POSITION OF ACCOUNTING CLERK UNDER CLASS TITLE FINANCE & ACCOUNTING AND PROVIDING AN EFFECTIVE DATE.

City Manager Wilkins gave a highlighted presentation of the referenced resolution and stated staff recommendation to approve.

Motion was made by Chair Pro-Tem Wade and seconded by Councilperson Schnyer to approve. MOTION

Upon roll call, the vote was unanimous. APPROVED

4. RESOLUTION NO. 40-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THAT THE PAY & CLASSIFICATION PLAN BE AMENDED BY DELETING THE CLASSIFIED POSITION OF PERSONNEL ANALYST AND BY CREATING THE UNCLASSIFIED POSITION OF HUMAN RESOURCES MANAGER UNDER CLASS AND TITLE ADMINISTRATIVE, GENERAL; PROVIDING FOR AN EFFECTIVE DATE.

City Manager Wilkins gave a highlighted presentation of the referenced resolution and stated staff recommendation to approve.

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

Discussion ensued.

Upon roll call, the vote was unanimous. APPROVED

5. RESOLUTION NO. 41-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING A FLORIDA DEPARTMENT OF REVENUE SETTLEMENT OFFER FOR PAYMENT OF BACK TAXES.

City Manager Wilkins gave a highlighted presentation of the referenced resolution and stated recommendation to approve.

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

Upon roll call, the vote was unanimous. APPROVED

6. DISCUSSION REGARDING CITY COUNCIL TO APPOINT FIVE (5) BOARD MEMBERS AND ONE (1) ALTERNATE BOARD MEMBER TO SERVE ON THE POLICE/FIRE CIVIL SERVICE BOARD.DELETED
7. DISCUSSION REGARDING CITY COUNCIL TO APPOINT FIVE (5) REGULAR BOARD MEMBERS AND ONE (1) ALTERNATE BOARD MEMBER TO SERVE ON THE GENERAL EMPLOYEES' CIVIL SERVICE BOARD.DELETED
8. DISCUSSION REGARDING REQUEST FOR CITY COUNCIL TO ESTABLISH A DATE FOR A CLOSED EXECUTIVE SESSION ON PROPOSALS FOR NEGOTIATION FOR THE THREE (3) BARGAINING UNITS.

Doretha Perry (Director/CRB Human Resources) requested that the session be held **Tuesday, March 27, 2001, 5:30 p.m.**

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

9. RESOLUTION NO. 42-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND R.C.T. ENGINEERING, INC. CONSULTING ENGINEERING FIRM OF WEST PALM BEACH, FLORIDA, TO PROVIDE GENERAL PROFESSIONAL ENGINEERING SERVICES FOR WATER TREATMENT, DISTRIBUTION, SEWER COLLECTION PLANNING AND DESIGN SERVICES.

City Manager Wilkins gave a highlighted presentation of the referenced resolution and stated recommendation to approve.

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

Upon roll call, the vote was unanimous. APPROVED

10. PALM BEACH SHORES UTILITIES PROPERTY PURCHASE. DELETED
11. COMMUNITY REDEVELOPMENT AGENCY REQUEST ASSISTANCE OF THE CITY OF RIVIERA BEACH TO LOAN \$150,000 TO INITIATE APPRAISAL PROCESSES FOR REDEVELOPMENT EFFORTS.

City Manager Wilkins provided a highlighted presentation of the referenced request and stated staff recommendation for approval.

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

Discussion ensued.

Larry Smith (Viking Yachts) stated support of the referenced request and proceeded to comment. Discussion ensued.

Upon roll call, the vote was unanimous. APPROVED

IX. CITY ATTORNEY'S REPORT:

Request for a Closed Executive Session to be held **Tuesday, March 27, 2001, 4:30 p.m.**, regarding the following case:

Patrick Galligan, et al. V City of Riviera Beach
U.S.D.C. Case No. 99-8542 CIV-RYSKAMP
City's Special Counsel Jacob A. Rose, Esquire

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

City Attorney Ryan stated for the record that attendance would be as follows: Honorable Mayor and City Council, City Manager Wilkins, and City Attorney Ryan.

She announced that the matter regarding Club Caviar was scheduled to be heard March 22, 2001, Thursday, 9:30 a.m., PBC Courthouse-9th Floor.

X. STATEMENTS FROM THE PUBLIC (TWO MINUTES):

Patti Dunbar (471 W. 37th Street) commented regarding issues related to the Police Pension Board; and, concerns related to franchise dollars for Riviera Beach. Discussion ensued.

Mayor Brown commented regarding a group of auditors he met at the *Black Mayor's Conference* that might be utilized to benefit the City's concerns related to franchises.

Chairperson Rodgers requested that City Attorney Ryan review procedure for revocation of board member appointments. Discussion ensued. COUNCIL RESPONSE REQUESTED

Chair Pro-Tem Wade requested that staff follow-up on comments by Ms. Dunbar regarding auditing of franchises in Riviera Beach. COUNCIL RESPONSE REQUESTED

City Manager Wilkins acknowledged the request by Chair Pro-Tem Wade and indicated that the Tallahassee lobbyist would provide information to staff regarding the proposed bill referred to by Ms. Dunbar.

Ken Clow (4016 68th Street, Palm Lakes Estates) commented regarding on-going concerns of nuisance to his residential community by the neighboring-Riviera Beach company-Nortrax. Discussion ensued.

Chair Pro-Tem Wade requested that staff provide a report on applications of the noise ordinance. She invited Mr. Clow to join efforts with the City regarding his concerns. COUNCIL RESPONSE REQUESTED

Councilperson Wilson encouraged Mr. Clow to seek assistance from the former business-property owner, as well.

Canta Chestnut (571 W. 36th Street) commented regarding personal property loss within her home and replacement thereof, as it relates to the City of Riviera Beach. Discussion ensued.

Viv Havener (245 E. 26th Street) gave congratulations to a Riviera Beach resident for his

productivity and announced that he would be spotlighted on an upcoming television program.

Richard Ahrens (3750 Investment Lane) stated concerns regarding postponement of his project by Atlas Signs. He further commented regarding the status of the new city planner. Discussion ensued.

Martha Babson (156 E. 21st Street) stated concerns regarding property right-of-way between Viking Yachts and Bicentennial Park.

Mark Brown (9150 N.W. 7th Avenue, Miami, FL) gave congratulations to Council for their efforts of positive productivity in and for Riviera Beach.

Barbara Crometie (3201 Avenue 'T') stated opposition to the proposed rezoning of properties neighboring her residential community.

Joan Napier (3225 Avenue 'T') echoed comments by Ms. Crometie.

Milton Brown (400 W. 37th Street) gave congratulations-in the absence of Ms. Louise E. Buie and former-Commissioner Maude Ford Lee-to Councilperson Wade for her success in the election.

XI. RECOMMENDATIONS AND DISCUSSION FROM MAYOR & COUNCIL:

Councilperson Blue commented regarding the proposed *Resolution Establishing the City Council Rules of Procedure, June 1999*, and requested review and adoption thereof.

Councilperson Blue stated concerns regarding businesses doing unfavorable business in the City. She referred to *Certificate of Use Ordinance - Ordinance No. 3282-00 (CRB) Businesses Doing Business in the City of Riviera Beach* and requested Council's review of same.

Motion was made by Councilperson Blue and seconded by Councilperson Wilson that City Manager Wilkins provide policy by April 04, 2001, to be enacted within thirty (30) days from said date-that police-take-home-cars shall be limited to residents, the chief, majors, and above only. MOTION

Councilperson Schnyer stated opposition to the motion and proceeded to elaborate.

Following a lengthy discussion, City Manager Wilkins stated for the record that the primary purpose of the police-take-home-policy is for the benefit of the City of Riviera Beach; that, any other impact is secondary and was never bargained or negotiated as an employee benefit. Discussion ensued.

Upon roll call, the vote was 3-2. APPROVED

Councilperson Schnyer and Chair Pro-Tem Wade dissented.

Councilperson Wilson commented regarding the success of the City's inaugural-signature event, *Riviera Beach Jazz & Blues Festival on the Beach, Singer Island*. He commented regarding the renowned participants and gave congratulations to City Manager Wilkins and staff for the successful affair.

Councilperson Wilson gave accolades to City Manager Wilkins and staff regarding diligent efforts to attend the recent rain/flood concerns of the residents.

Mayor Brown requested that **Council direct staff to explore and address issues for remedy of continued construction of aluminum-warehouse buildings in Riviera Beach**. He indicated that a review of the tax-assessment process was not reflective of an appreciable-maximum value for the developed properties.

There was consensus by Council that City Manager Wilkins explore and address concerns raised by Mayor Brown. CONSENSUS

XII. ADJOURNMENT SINE DIE

Chairperson Rodgers turned this part of the meeting over to the city clerk.

City Clerk Carrie Ward announced commencement of the meeting would entail swearing-in and acknowledgement of the working tools presented to the newly elected councilpersons. She stated that each person would be presented the oath of office; the Executed Certification of Elections for 2001-2003; a copy of the Sunshine Amendment Guide for Local Elected Officials (Edition 2001); 9th Edition of Robert Rules of Order (Revised); and, an updated Code of Ordinances.

City Clerk Ward listed the recipients as follows: Honorable Mayor Michael D. Brown; Council District 1-Honorable Councilperson Donald R. Wilson; Councilperson District 3-Honorable Councilperson Elizabeth 'Liz' Wade; and, Council District 5-Honorable Councilperson Edward Rodgers. She then stated she would proceed after a three- (3) minute recess.

There being no other business, the meeting adjourned *sine die*.

I. SWEARING IN OF NEWLY ELECTED MAYOR AND COUNCIL MEMBERS

The meeting commenced with City Clerk Ward administering the oath of office to Mayor Michael D. Brown. She proceeded to provide him with the tools for office.

Respectively, City Clerk Ward administered the oath of office to Councilperson Donald R. Wilson, Councilperson Elizabeth 'Liz' Wade, and Councilperson Edward Rodgers. She gave congratulations and provided each councilperson with their tools for office.

II. SELECTION OF CHAIRPERSON

City Clerk Ward opened the floor for motions or nominations for the appointment of the *Chairperson*.

Motion was made by Councilperson Blue and seconded by Councilperson Schnyer to appoint Councilperson Edward Rodgers as the *Chairperson* of the City Council for the City of Riviera Beach. MOTION

Upon roll call, the vote was unanimous. APPROVED

At this point, City Clerk Ward relinquished the gavel to Chairperson Rodgers.

III. SELECTION OF CHAIR PRO-TEM

Chairperson Rodgers opened the floor for motions or nominations of the Chair Pro-Tem.

Motion was made by Councilperson Blue and seconded by Councilperson Wilson to nominate Councilperson David Schnyer as *Chair Pro-Tem* of the City Council for the City of Riviera Beach. MOTION

Upon roll call, the vote was unanimous. APPROVED

IV. ANY OTHER MATTERS PROPERLY BROUGHT BEFORE THE CITY COUNCIL

Edwina Wade Saunders (1011 W. 10 Street) gave congratulations to and stated reflections of her mother/friend, Councilperson Elizabeth K. Wade, for her success in the election.

Councilperson Wilson gave congratulations to Councilperson Wade for her success in the election. He proceeded to elaborate.

Council individually and respectively gave congratulations to Councilperson Elizabeth Wade for her success in the election.

There being no other business, the meeting duly adjourned.

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/AE
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
D. SCHNYER: aye

**SYLVIA LEE BLUE
COUNCILPERSON**

dschnyer.gif (881 bytes)



**DAVID G. SCHNYER
COUNCILPERSON**

DATE APPROVED: 04/04/2001