

**CITY OF RIVIERA BEACH, FLORIDA  
REGULAR CITY COUNCIL MEETING  
MUNICIPAL COMPLEX COUNCIL CHAMBERS  
WEDNESDAY, AUGUST 15, 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 7:40 p.m. The following were present: Mayor Michael D. Brown, Chairperson Edward Rodgers, Chair Pro Tem David G. Schnyer, Councilperson Sylvia Lee Blue, and Councilperson Elizabeth "Liz" Wade. Also present were City Manager William Wilkins, City Clerk Carrie E. Ward, and City Attorney Pamala Ryan.

Councilperson Donald Wilson was absent.

**Invocation/Pledge of Allegiance**

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

**II. PETITIONS AND COMMUNICATIONS FOR FILING:**

**III. AGENDA APPROVAL:**

**Additions, Deletions, Substitutions**

**Chair Pro-Tem Schnyer** stated that he would like for the Public Comment section of the agenda to be held after the Awards and Presentations and that Item No. 8 be placed at the end of the agenda.

**Mayor Brown** requested that the presentation for Ms Nelia Cunningham be placed under Awards & Presentations.

**City Manager Wilkins** stated the following revisions to the agenda: 1) Report for Item No. 9(4) under the City Manager's Discussion; 2) Resolution designating Good Friday as Nelia Mae Brookins Cunningham Day; 3) Report from the Public Works Director regarding a cooperative effort that took place between the City and the Solid Waste Authority. He also stated that per request of Councilperson Wilson that discussion on the extension of the City Manager's contract be deferred until the next meeting.

**Chairperson Rodgers** stated that he would like to discuss the city's banking policy under Discussion by the Mayor & City Council.

**City Attorney Ryan** stated that she would like to add discussion of the Carla Govan case under the City Attorney's Report.

**Adoption of Agenda**

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

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

**IV. AWARDS AND PRESENTATIONS:**

**ITEM NO. 1**

**PRESENTATION OF RETIREMENT MEMENTO TO POLICE CHIEF, JERRY P. POREBA FOR OVER TWENTY-FIVE (25) YEARS OF DEDICATED SERVICE TO THE CITIZENRY OF RIVIERA BEACH.**

**Mayor Brown** presented former Police Chief Jerry Poreba with a Retirement Memento for over 25 years of dedicated service.

**Former Police Chief Jerry Poreba** expressed Words of Appreciation.

**Officer Jennifer Nubin** read a poem of gratitude from her to former Police Chief Poreba.

**ITEM NO. 1(1)**

**PRESENTATION OF RETIREMENT MEMENTO TO DENNIS WIDLANSKY FOR OVER TWENTY (20) YEARS OF DEDICATED SERVICE TO THE CITIZENRY OF RIVIERA BEACH.**

**Mayor Brown** presented former Finance Director Dennis Widlansky for over 20 years of dedicated service.

**Former Finance Director Dennis Widlansky** expressed Words of Gratitude.

**Gerald Ward** (31 W. 20th Street) commented on former Finance Director Widlansky.

**ITEM NO. 2**

**PRESENTATION OF CERTIFICATE OF APPRECIATION TO EMPLOYEES FOR OUTSTANDING VOLUNTEER SERVICE FOR THE EMPLOYEES' ANNUAL PICNIC.**

**Mayor Brown** presented certificates to various city employees and other volunteers for their outstanding service during the city's 2001 Employee's Picnic.

**ITEM NO. 2(1)**

**PROCLAMATION IN RECOGNITION OF THE ACCOMPLISHMENTS OF THE LATE NELIA MAE BROOKINS CUNNINGHAM.**

**Mayor Brown** read the aforementioned proclamation into the records and presented it to a representative of the Cunningham family.

**Attorney Malcolm Cunningham** thanked the Mayor, City Council and the administrative staff for their concerns in noticing a day in memory of the late Nealia Cunningham.

**ITEM NO. 2(2)**

**PRESENTATION ON THE COOPERATIVE EFFORT OF THE CITY OF RIVIERA BEACH AND THE SOLID WASTE AUTHORITY.**

**Public Works Director Jacobovitz** presented a news release and pictures on a cooperative effort between the City and the Solid Waste Authority that took place earlier in the day.

**V. STATEMENTS FROM THE PUBLIC (TWO MINUTES):**

**Tom Scott, Southern Regional Support Coordinator for the American Indian Movement** of Florida, commented on the archeological study of development for the Harbor Village Project.

**City Manager Wilkins** stated that the survey will be conducted as required by the state.

**Victor Williams**, commented on an encounter between him and Riviera Beach police officers.

**City Manager Wilkins** stated that the incident was being investigated by Internal Affairs.

**Gerald Ward**, commented on trains blocking the 13th Street intersection.

**Mike Mahoney** commented on services provided by the Police Department.

**VI. 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 AUGUST 1, 2001.

**2) RESOLUTIONS:**

**ITEM NO. 4**

RESOLUTION NO. 143-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF PROQA EMERGENCY MEDICAL DISPATCH (EMD) SOFTWARE SYSTEM FROM MEDICAL PRIORITY CONSULTANTS, INC., SALT LAKE CITY, UTAH AND FOR EMD INTERFACE SOFTWARE MAINTENANCE FROM VISIONAIR, INC., CASTLE HAYNE, NORTH CAROLINA WITH GRANT FUNDS PROVIDED THROUGH THE STATE OF FLORIDA EMERGENCY MEDICAL SERVICES COUNTY GRANT PROGRAM FOR THE TOTAL AMOUNT OF \$34,336.99; AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO MAKE PAYMENT FROM ACCOUNT NO. 107-0921-526-0-6405; AND PROVIDING FOR AN EFFECTIVE DATE.

**ITEM NO. 5**

RESOLUTION NO. 144-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE INTERIM FINANCE DIRECTOR TO APPROPRIATE FUND BALANCE OF \$150,000 TO THE HUMAN RESOURCES DEPARTMENT CONTRACT SERVICES ACCOUNT; AND PROVIDING AN EFFECTIVE DATE.

**ITEM NO. 6**

RESOLUTION NO. 145-01 - 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 WITH THE

**FLORIDA DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTING A FULLY ACTUATED TRAFFIC SIGNAL AT THE INTERSECTION OF MILITARY TRAIL AND LEO LANE.**

**END OF CONSENT AGENDA**

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

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

**VII. PUBLIC HEARING:**

**ITEM NO. 7**

**A SPECIAL EXCEPTION AND SITE PLAN APPLICATION FROM BLUE HERON SHOPPES LTD. TO CONSTRUCT A 26,800 SQUARE FOOT RETAIL FACILITY, BANK AND DRIVE-THRU FAST FOOD FACILITY AT THE NORTHEAST CORNER OF CONGRESS AVENUE AND WEST BLUE HERON BOULEVARD.**

A motion was made **Councilperson Wade** and seconded by **Councilperson Blue** to approve staff's recommendation. **MOTION**

**Mary McKinney, Community Development Director**, gave a brief presentation on the aforementioned application.

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

**ORDINANCES ON SECOND READING:**

**NONE**

**VIII. ORDINANCES ON FIRST READING:**

**ITEM NO. 8**

**ORDINANCE NO. 2902 – AN ORDINANCE OF THE CITY COUNCIL 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 IL “LIMITED INDUSTRIAL” FOR 8.79 ACRES OF LAND LOCATED ON THE EAST SIDE OF CONGRESS AVENUE BETWEEN SILVER BEACH ROAD AND BLUE HERON BOULEVARD; 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 ordinance into the record.

Quasi-Judicial Proceeding resumed.

Parties involved provided City Clerk Ward with a copy of their credentials and applicable forms.

**Community Development Director McKinney** gave a presentation on the circumstances regarding the ordinance.

**Atty. Terry Waterson** requested that Community Development Director McKinney state her credentials.

**Community Development Director McKinney** stated her educational and professional credentials.

**Atty. Alan J. Ciklin** cross-examined Community Development Director McKinney on the circumstances regarding the ordinance.

**Atty. Thomas J. Baird** representing P-4 Partners (property owners), cross-examined Community Development Director McKinney on the circumstances regarding the ordinance.

**Atty. Waterson** defended testimony given by Community Development Director McKinney.

**Atty. Baird** cross-examined Community Development Director McKinney.

**Atty. Ciklin** presented the position of Atlas Signs.

**Bradley Miller**, Miller Land Planning Consultants, testified on behalf of Atlas Signs.

**Atty. Waterson** cross-examined Bradley Miller.

**Richard Ahrens**, commented on behalf of Atlas Signs.

**Atty. Waterson** cross-examined Mr. Ahrens.

**Atty. Baird** presented the City Clerk with a copy of his resume and various correspondences. He stated that he was testifying as a certified Land-use Planner and a certified lawyer in city, county, and local government law.

**Atty. Waterson** cross-examined Atty. Baird.

**Atty. Waterson** questioned Community Director Mary McKinney regarding the Town of Lake Park project and then proceeded to question James LaRue, AICP and provided a copy of his resume for the record.

**Atty. Waterson** requested that Mr. LaRue give a brief overview of his educational and professional credentials.

**Mr. LaRue** gave a brief overview of his credentials.

**Atty. Waterson** proceeded to question Mr. LaRue regarding the circumstances surrounding the agenda item.

**Atty. Ciklin** cross-examined Mr. LaRue.

**Atty. Baird** cross-examined Mr. LaRue.

**Atty. Ciklin** made a closing statement in regards to the testimony provided during the proceedings.

**Atty. Baird** made a closing statement in regards to the testimony provided during the proceedings.

**Atty. Waterson** made a closing statement in regards to the testimony provided during the proceedings.

**Atty. Ryan** advised the City Council that they should follow the procedure stated in F.S. section 2-46.

Deliberation occurred amongst the Mayor and the City Council.

A motion was made by **Councilperson Wade** to deny approval of the aforementioned

ordinance based on staff's report and the plan for a \$800 million venture to the west; this corridor is needed for homes in an effort to keep residents within the city. A second was made by **Councilperson Blue**. **MOTION**

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

**VIII. CITY MANAGER'S DISCUSSION:**

**ITEM NO. 9**

1. **RESOLUTION NO. \_\_146-01\_\_ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO ACCEPT A DONATION IN THE AMOUNT OF \$17,500 FROM THE AMERICAN HEART ASSOCIATION; AUTHORIZING FIRE RESCUE TO UTILIZE THE DONATED FUNDS AND TO PURCHASE 10 AUTOMATED EXTERNAL DEFIBRILLATORS FROM MEDTRONIC PHYSIO-CONTROL CORPORATION IN THE AMOUNT OF \$17,500; AUTHORIZING THE FINANCE DIRECTOR AND MAYOR TO MAKE PAYMENT FOR SAME FROM ACCOUNT NO. 802-00-366-900; AUTHORIZING FIRE RESCUE TO DONATE TWO (2) AUTOMATED EXTERNAL DEFIBRILLATORS TO THE PORT OF PALM BEACH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**City Clerk Ward** read the resolution into the record.

A motion was made by **Councilperson Blue** and seconded by **Councilperson Wade** to approve the aforementioned resolution. **MOTION**

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

2. **RESOLUTION NO. \_\_147-01\_\_ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING PAYMENT TO DAWSON-WILLIAMS, INC. OF JUPITER, FLORIDA IN THE AMOUNT OF \$12,975 FOR AN EMERGENCY INSTALLATION AND MODIFICATION OF A 10" FIRE LINE COMPACT WATER METER AT THE CHENEY BROTHERS WAREHOUSE COMPLEX; AND AUTHORIZING THE MAYOR AND INTERIM FINANCE DIRECTOR TO PAY THIS AMOUNT FROM ACCOUNT NO. 402-1437-5330-4606.**

**City Clerk Ward** read the resolution into the record.

A motion was made by **Chair Pro-Tem Schnyer** and seconded by **Councilperson Wade** to approve the aforementioned resolution. **MOTION**

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

3. **RESOLUTION NO. \_\_148-01\_\_ - 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 WITH THE SCHOOL BOARD OF PALM BEACH COUNTY FOR DRAINAGE IMPROVEMENTS ON AVENUE "U" AT AN ESTIMATED COST OF \$183,685 TO BE PAID BY THE SCHOOL DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**City Clerk Ward** read the resolution into the record.

A motion was made by **Councilperson Wade** and seconded by **Councilperson**

**Blue** to approve the aforementioned resolution. **MOTION**

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

4. **RESOLUTION NO. 149-01 A RESOLUTION OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE DESIGNATION OF GOOD FRIDAY AS NEALIA MAE BROOKINS CUNNINGHAM DAY AND AUTHORIZING THE FINANCE DIRECTOR TO ESTABLISH AN ACCOUNT FOR SUCH; AND PROVIDING AN EFFECTIVE DATE.**

**City Clerk Ward** read the resolution into the record.

A motion was made by **Councilperson Wade** and seconded by **Chair Pro-Tem Schnyer** to approve the aforementioned resolution. **MOTION**

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

5. **REPORT ON THE TEAM FLORIDA ARGENTINA/CHILE TRIP.**

**City Manager Wilkins** gave a brief presentation on the Trade Mission to Argentina and Chile.

6. **DISCUSSION ON CONSIDERATION OF THE CITY MANAGER'S CONTRACT. ITEM WAS DELETED**

#### **IX. CITY ATTORNEY'S REPORT:**

**Atty. Ryan** stated that in reference to the Carla Govan case, in which the city prevailed, Chairperson Rodgers asked if attorney fees could be recovered for the appeal. She stated that research was conducted and found that the city could recover cost for the appeal if the lower tribunal would grant the request. She stated that she wanted direction from the City Council and that she had filed a Motion of Tax Cost with the Civil Service Board because of time restraint.

A motion was made by **Chair Pro-Tem Schnyer** and seconded by **Councilperson Wade** directing the city attorney to move forward in recovering the fees for appeal in the aforementioned case. **MOTION**

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

#### **X. RECOMMENDATIONS AND DISCUSSION FROM MAYOR & COUNCIL:**

**Chairperson Rodgers** stated there was discussion at the last meeting regarding the problem the city was having with the current financial institution.

A discussion ensued amongst the city council and staff.

A motion was made by **Chair Pro-Tem Schnyer** and seconded by **Councilperson Wade** directing staff to look into the advantage of moving the city's financial account to Community Savings or some other local financial institution. **MOTION**

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

#### **XII. ADJOURNMENT**

There being no further business, the meeting was duly adjourned at 12:15 a.m.

**APPROVED:**

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**MICHAEL D. BROWN, MAYOR**

**EDWARD RODGERS, CHAIRPERSON**

**ATTEST:**

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dschnyer.gif (881 bytes)



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

**DAVID G. SCHNYER, CHAIR PRO-TEM**

dwilson.gif (865 bytes)



**DONALD R. WILSON  
COUNCILPERSON**

sblue.gif (791 bytes)



**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**

ewade.gif (1297 bytes)



**ELIZABETH "LIZ" WADE  
COUNCILPERSON**

**DATE APPROVED:** 09/05/2001