

**CITY OF RIVIERA BEACH, FLORIDA
REGULAR CITY COUNCIL MEETING
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, OCTOBER 17, 2001, 7:30 P.M.**

I. CALL TO ORDER:

Roll Call

Chair Pro Temp David G. Schnyer was present and presided. Upon a roll call vote by the City Clerk 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/AEE, and City Attorney Pamala Ryan.

Chairperson Edward Rodgers was absent.

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

Councilperson Blue stated that she had comments to make under Recommendation/Discussion from the Mayor and City Council.

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

A Motion was made by **Councilperson Wilson** and seconded by **Councilperson Blue** to move Public Comments immediately following Awards and Presentations, and allow the Delta Sigma Beta to make a presentation. **MOTION**

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

Adoption of Agenda

A Motion was made by **Councilperson Blue** and seconded by **Councilperson Wilson** 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 SEPTEMBER, 2001.

Human Resources Director Doretha Perry made a presentation announcing the new city employees: Edward Sierra Director of Utilities, and Malissa Scott Program Coordinator of Civil Drug Court.

ADDITIONS

Local representatives of the Delta Sigma Beta made a request for the City Council, to

assist them in feeding the attendants of their Youth Multi Cultural Workshop to be held December 15, 2001 at John F. Kennedy Middle School.

A motion was made by **Councilperson Wilson** and seconded by **Chairperson Blue** to accept the Delta Sigma Beta request. **MOTION**

As a correct method of procedure, **Councilperson Blue** requested that the Delta Sigma Beta fill out the appropriate paper to accommodate their request.

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

IV. STATEMENTS FROM THE PUBLIC (TWO MINUTES):

1) **Patty Horner** 330 Wilma Circle, commented her concerns about Harbor Inlet Marina Project, and the fact that there are large drenches behind their homes that the CRA did not receive permission.

2) **Malissa Booth** 113 Canterbury Dr, extended an invitation to the City Council and staff to come out and join her and other residences in the Paint Your Heart Project, October 27, 2001, she also advised if you need further information contact Jerry Mica in the City Code Enforcement Department.

3) **Martha Babson** 156 E 21st. Street, Addressed the Council with 3 FYI tips. 1) A new spa opened up under the name of Bath Care & Spa that gave bogus information on their application for occupational license. She further stated they should be investigated. 2) In 1999 the City Manager along with Mr. Williams of Parks and Recreation received a letter from the Land and Water Conservation advising the city to Title Bicentennial Park as a Land and Water Fund Project. 3) On East 20th Street people are using two residential lots as commercial parking lots in accordance with Florida Statute these people are illegal.

Mayor Brown commented that The Bicentennial Park is a "no dogs allowed park" and, it should be enforced.

4) **Gerald M. Ward**, 31 W 20th St. addressed the council in regards to Item 10 on the agenda.

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. 2

MINUTES OF THE REGULAR COUNCIL MEETING HELD ON OCTOBER 3, 2001.

2) RESOLUTIONS:

ITEM NO. 3

RESOLUTION NO. 192-01 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING PAYMENT TO McGUIRE WOODS, LLP, 1170 PEACHTREE STREET N.E., SUITE 2100, ATLANTA, GA 30309 IN THE AMOUNT OF \$ 26,084.57 FOR PROFESSIONAL LEGAL SERVICES PERFORMED IN THE MATTER OF BROCHU, POLICE BENEVOLENT ASSOCIATION AND PFEFFERKORN; AND AUTHORIZING THE MAYOR AND INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME UNDER ACCOUNT NO. 001-0512-5190-3101.

ITEM NO. 4

RESOLUTION NO 193-01 A RESOLUTION OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUEST AUTHORIZING THE PURCHASE OF ONE (1) FORD VEHICLE FOR THE PURCHASING DEPARTMENT UNDER SEMINOLE COUNTY CONTRACT NO. A/B 340/JVP FROM DON REID FORD, MAITLAND, FLORIDA IN THE AMOUNT OF \$22,654.00 AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO MAKE PAYMENT FROM ACCOUNT NUMBER 305-1706-5130-6401.

3) PETITIONS AND COMMUNICATIONS FOR FILING:

NONE

END OF CONSENT AGENDA

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

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

VI. PUBLIC HEARING:

NONE

ORDINANCES ON SECOND READING:

NONE

VII. ORDINANCES ON FIRST READING:

NONE

VIII. CITY MANAGER'S DISCUSSION:

ITEM NO. 5

RESOLUTION NO. 194-01 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO RELEASE CODE ENFORCEMENT LIEN ON PROPERTY LOCATED ON WEST 32ND STREET, ACREHOME PARK #2, BLK 12, LTS 31-32 AND ON WEST 35TH STREET, ACREHOME PARK #2, BLK 12, LTS 33-34, BLOCK 7, LTS 7-9 AND BLOCK 7, LT 10, RIVIERA BEACH FOR VIOLATIONS THAT ARE IN COMPLIANCE FOR THE AMOUNT OF \$8,000; 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 resolution into the record.

A Motion was made by **Councilperson Blue** and seconded by **Councilperson Wilson** to approve Resolution No.194-01. MOTION

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

ITEM NO. 6

RESOLUTION NO. 195-01_____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO RELEASE CODE ENFORCEMENT LIEN ON PROPERTY LOCATED AT 2300 AVENUE R, MONROE HEIGHTS REPLAT NO. 1, BLK 2, LT 17, RIVIERA BEACH FOR VIOLATIONS THAT ARE IN COMPLIANCE FOR THE AMOUNT OF \$1,475; 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 resolution into the record.

Motion was made by **Councilperson Wilson** and seconded by **Councilperson Blue** to approve Resolution No.195-01

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

ITEM NO. 7

RESOLUTION NO. 196-01_____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR NORTH COUNTY PUD AS SUBMITTED BY WALLY SCHICKEDANZ OF WEST RIVIERA LLC AND CONTINENTAL HOMES; PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Ward read the Resolution into the record.

A Motion was made by **Councilperson Wilson** and seconded by **Councilperson Blue** to approve Resolution No.196-01. **MOTION**

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

ITEM NO. 8

RESOLUTION NO. _197-01_____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ESTABLISHING THE LAW ENFORCEMENT TRUST FUND ADVISORY BOARD.

City Clerk Ward read the resolution into the record.

A Motion was made by **Councilperson Wade** and seconded by **Councilperson Blue** to approve Resolution No.197-01. **MOTION**

City Manager Wilkins referred to the Monday night Agenda Review stating that since then that one of the law enforcement representatives had been subtracted and an additional residence. He stated it now consists of: 1 police officer, 1 employee from the City Manager's office, 1 City Council member, and 2 citizens.

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

A Motion was made by **Councilperson Wilson** and seconded by **Councilperson Blue** to appoint Rev. William McCray to be the citizen to serve on the board. **MOTION**

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

A Motion was made by **Councilperson Blue** and seconded by **Councilperson Wilson** to appoint Rev. Leroy Parish to be the citizen to serve on the board. **MOTION**

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

ITEM NO. 9

RESOLUTION NO. 198-01_____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ESTABLISHING A BUDGET FOR THE 2ND ANNUAL STATE OF THE CITY DINNER; AUTHORIZING THE FINANCE DIRECTOR TO DISBURSE FUNDS FROM ACCOUNT NUMBERS 130-0101-511-0-3103, 130-0101-511-0-4403, AND 130-0101-511-05201; AND ESTABLISHING AN EFFECTIVE DATE.

City Clerk Ward read the resolution into the record.

A Motion was made by **Councilperson Blue** and seconded by **Councilperson Wilson** to approve Resolution No.198-01.

City Manager Wilkins commented that Mayor Brown will be raising money for the event and he encouraged the other staff members to participate.

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

ITEM NO. 10

DISCUSSION REGARDING COSTS ASSOCIATED WITH THE ROADWAY IMPROVEMENTS TO 13TH STREET, 11TH STREET AND AVENUE "C".

City Manager Wilkins recommended that the City Council and it's staff authorize the Port to proceed with it's previous proposal of basis of design related to the 13th Street design, also advised the board that the previous technical issues has been resolved.

Port Director Anthony J. Taorimina commented on the 13th Street project and reinforced the City Manager's comment. He also advised that a rough estimate showed a lower price but he wanted to be safe.

ITEM NO. 11

A SITE PLAN APPLICATION FROM PHT GROUP, TO CONSTRUCT A SINGLE STORY, 30 UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT ON 2.56 ACRES LOCATED AT 4216 LEO LANE, RIVIERA BEACH.

A Motion was made by **Councilperson Wade** and seconded by **Councilperson Blue** to approve item No.11. **MOTION**

Mary McKinney Director of Community Development stated that the property is properly zoned, and had been presented to the planning and zoning department. (Aug.9, 2001).

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

ITEM NO. 12

A SITE PLAN APPLICATION FROM ON-SITE MATERIALS TO CONSTRUCT A 10.725 SQUARE FOOT WHOLESALE FACILITY ON 3.4 ACRES LOCATED APPROXIMATELY 150 FEET NORTH OF THE NORTHWEST CORNER OF THE INTERSECTION OF 15TH STREET AND AUSTRALIAN AVENUE IN AN IL ZONING DISTRICT.

A motion was made by **Councilperson Blue** and seconded by **Councilperson Wilson** to approve Item NO.12.

Mary McKinney Director of Community Development commented on the request.

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

ITEM NO. 13

DISCUSSION REGARDING RE-APPOINTMENT OF A MEMBER TO THE GENERAL EMPLOYEES PENSION BOARD.

A Motion was made by **Councilperson Wade** and seconded by **Councilperson Blue** to re-appoint Mrs. Barbara Wiley to the General Employee Pension Board. **MOTION**

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

ITEM NO. 14

APPOINT TWO REGULAR MEMBERS AND ONE ALTERNATE MEMBER TO THE PLANNING AND ZONING BOARD.

A Motion was made by **Councilperson Blue** and seconded by **Councilperson Wilson** to re-appoint Martin Rosen, and Fred Desousa. **MOTION**

Gerald Ward, 31 West 20th Street, commented that Public Board members should have a limited time in which they serve in a certain position.

Councilperson Blue made a responding comment applying the fact that all board members serve on a volunteer basis, and that anyone could be a member.

Councilperson Wade commented that the board members should have a time limit so that other members could have a chance to move up to a higher position.

Chair Pro-Tem Schnyer commented that he supported the 2 gentlemen being re-appointed to the Planning & Zoning Board, because they were volunteers.

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

City Manager Wilkins requested that City Attorney Ryan give a status report on the issue concerning Palm Beach Casino.

City Attorney Ryan made a responsive comment stating that they had been to court, and heard their motion. The court denied the motion. Therefore the case would proceed to trial. The court also ordered mandatory mediation, to be scheduled soon. She then stated that Rici/Sun Cruise has agreed to move the trailers.

City Manager Wilkins requested that council allow him to develop a request for a proposal and to advertise for a successor reference Casino Gambling Ship operation at the Municipal Marina. He stated that we received approximately \$150,00.00 in revenue from the gambling ships operations, and because of the legal entanglements He had been given legal advice to bring another Gambling Ship into our Marina. The incoming revenue could help reduce the bankruptcy deficient. He also stated that he would let the prospects know that there are litigations and that the contract may have to be terminated.

Discussion ensued amongst **City Manager Wilkins** and **Councilperson Wade** about the proposal.

A Motion was made by **Councilperson Wilson** and seconded by **Councilperson Blue** to approve the City Manager's request. **MOTION**

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

City Manager Wilkins advised the council of the change in which the city employees would receive their paychecks. He then stated employees would lose 24hrs. of pay for the first pay period.

Councilperson Wade commented saying that council was not advised. She then advised him to state the particulars.

Mayor Brown made a comment stating that the payroll issue is an administrative issue and council has no authority to direct day to day operations of the city.

Geary J Dennard 200 West 10th Street, addressed the council on raises and getting paid on Fridays. He feels that the city is not showing employee care to their employees.

Mayor Brown made a responsive comment directed to Mr. Dennard informing him that the council was aware of the situation and is working diligently to correct the problem.

Councilperson Wade commented that this was a union issue and should be dealt with accordingly.

X. RECOMMENDATIONS AND DISCUSSION FROM MAYOR & COUNCIL:

Councilperson Blue encouraged city employees to take advantage of The Education Partnership Program. She also commented on the police take home car policy. She then asked for an explanation of the Forum Club membership, and directed the City Manager to provide them with additional reference.

Councilperson Wade asked City Manager Wilkins to again review the vehicle take home policy, and to assure there was coverage for liability for proper usage, and that a provision included personal usage.

Councilperson Wilson stated that he spoke with Mr. Taorimina and they were coming up with solutions referencing the railroad crossing. He then thanked Mr. Williams for their cooperation in letting them use Wells Recreation for the Pearl Harbor City Cultural. In which the Artistic Committee will be doing Youth Talent Showcase on October 28th 2001. Lastly he thanked the City Manger for his addressing of security around the community.

Chair Pro-Tem Schnyer requested that an update on the three restaurants of Palm Beach Shores that parks at the Municipality and has not received the proper permits that have to come before the council.

Mayor Brown suggested that the council members come out and view a new yacht that was delivered to Port of Palm Beach owned by The Yacht Club.

XI. ADJOURNMENT:

There being no further business before the City of Riviera Beach City Council, the meeting was duly adjourned at 9:05 p.m.

APPROVED:

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MICHAEL D. BROWN, MAYOR



EDWARD RODGERS, CHAIRPERSON

ATTEST:

cward.gif (643 bytes)



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

dschnyer.gif (881 bytes)



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: 10/31/2001