

ORDINANCE NO. 2836

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE PAY AND SALARY SCHEDULES BY INCREASING THE SALARY OF SWORN POLICE LIEUTENANTS REPRESENTED BY THE INTERNATIONAL UNION OF POLICE ASSOCIATION BARGAINING AGREEMENT, PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, labor negotiations between the International Union of Police Association and the City have concluded; and

WHEREAS, both parties have reached a tentative agreement; and

WHEREAS, the salary of employees represented by the International Union of Police Association be increased retroactive to October 1, 1996.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA:

SECTION 1. That the Pay and Classification Schedule shall be amended as follows:

That the pay grades for employees covered under International Union of Police Association Bargaining Unit be increased as follows:

For the Fiscal Year 1996-1997, all bargaining unit employees shall receive retroactive salary increases as reflected in the "Implementation and Cost Analysis" of the Cody and Associates Classification and Pay Study for the City of Riviera Beach dated September, 1996. Employees who were not entitled to at least a two percent (2%) increase as a result of the Cody Report, will receive two percent (2%) salary adjustment to their 1995-1996 wages. There shall be no salary adjustment to employee wages for October 1, 1997. For the 1998-1999 Fiscal Year, employees who were employed by the City on October 1, 1998, for the requisite number of years as noted below, will receive the following adjustment to their wages retroactive to October 1, 1998:

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PAGE 2.

Over 10 years	3.0%
8 – 9 years	2.5%
6 – 7 years	2.0%
4 – 5 years	1.5%
2 – 3 years	1.0%
1 year or less	.5%

There shall be no further wage adjustment for the 1996-1997, 1997-1998, and 1998-1999 contract years.

SECTION 2. That employees represented by International Union of Police Association Bargaining Unit shall have their salaries increased retroactively according to attached Article 34: WAGES of the International Union of Police Association contract. To be eligible for retroactivity, an employee must be employed on the effective date of this agreement and on the date the contract is ratified by the parties. Employees hired subsequent to the effective date of this agreement will be eligible for retroactivity from the date they were hired.

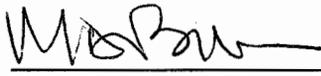
SECTION 3. That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

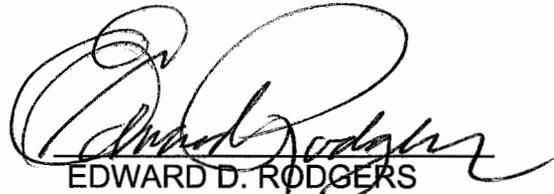
PASSED and APPROVED on first reading this 6th day of October, 1999.

PASSED and ADOPTED on second and final reading this 20th day of October, 1999.

ORDINANCE NO. 2836
PAGE 3.

APPROVED:


MICHAEL D. BROWN
MAYOR

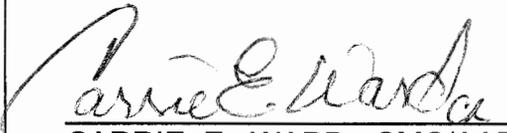

EDWARD D. RODGERS
CHAIRPERSON

(MUNICIPAL SEAL)

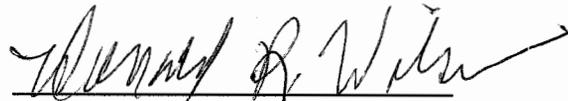

ELIZABETH K. WADE
CHAIRPERSON PRO TEM

ATTEST:


MARGE CALLAHAN
COUNCIL MEMBER


CARRIE E. WARD, CMC/AE
CITY CLERK


MARILYN MOFFITT
COUNCIL MEMBER


DONALD R. WILSON
COUNCIL MEMBER

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PAGE 4.

Motion by: E. Wade
Second by: D. Wilson

Motion by: E. Wade
Second by: M. Callahan

1st READING

aye **E. Rodgers**
aye **E. Wade**
aye **M. Callahan**
aye **D. Wilson**
aye **M. Moffitt**

2ND READING

aye
aye
aye
aye
aye

REVIEWED AS TO LEGAL SUFFICIENCY


Interim City Attorney
City of Riviera Beach

Date 9-27-99

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PAGE 5.

CERTIFICATION OF PUBLICATION:

I hereby certify that notice of the proposed enactment of this Ordinance was duly published in a newspaper or general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

DATE

Carrie E. Ward, CMC/AE, City Clerk

ARTICLE 34: WAGES

For the Fiscal Year 1996/1997, all bargaining unit employees shall receive retroactive salary increases as reflected in the "Implementation and Cost Analysis" of the Cody and Associates Classification and Pay Study for the City of Riviera Beach dated September, 1996. Employees who were not entitled to at least a 2% increase as a result of the Cody Report, will receive 2% salary adjustment to their 1995/1996 wages. There shall be no salary adjustment to employee wages for October 1, 1997. For the 1998 – 1999 Fiscal Year, employees who were employed by the City on October 1, 1998, for the requisite number of years, as noted below, will receive the following adjustment to their wages retroactive to October 1, 1998.

Over 10 years	3.0%
8 – 9 years	2.5%
6 – 7 years	2.0%
4 – 5 years	1.5%
2 – 3 years	1.0%
1 year or less	.5%

There shall be no further wage adjustment for the 1996/1997, 1997/1998 and 1998/1999 contract years.

An employee must be employed on the date of ratification to be eligible for retroactivity. This Article shall become effective upon ratification by both the Union and the City. An employee hired subsequent to October 1, 1996 will only receive retroactive pay to the initial date of employment.

Pay days will be bi-weekly on Thursday effective 90 days after agreement and ratification by the other two (2) unions. Bi-weekly is defined as every two (2) weeks. In the event pay day falls on a holiday, the City shall have the discretion to pay employees on the day before or the day after the holiday.

The City will provide the option of direct deposit to all employees upon institution of the bi-weekly pay days.

CITY OF RIVIERA BEACH
PAY & CLASSIFICATION PLAN
1996 - 1997 (Effective 10/01/96)
Page - 16 -

Police Department

RANGE	CLASSIFICATION	SALARY	
P32	Lieutenant of Police	42,500.0000 - 53,600.0000	
		817.3077	1,030.7693
		20.4327	25.7693

ORDINANCE NO. 2837

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ESTABLISHING A MORATORIUM ON THE ISSUING OF PERMITS FOR THE SITING AND CONSTRUCTION OF BARS, SALOONS, TAVERNS, AND NIGHTCLUBS (WITH AND WITHOUT ENTERTAINMENT) WITHIN THE CITY LIMITS FOR A 90-DAY PERIOD; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, no specific regulations exist to address issues relating to siting and construction of bars, saloons, taverns, and nightclubs (with and without entertainment) and

WHEREAS, the City Council of the City of Riviera Beach deems it advisable and in the interest of the health, safety, and welfare of its citizens to promote the orderly growth of the City by adopting well-designed criteria for the siting and construction of bars, saloons, taverns (with and without entertainment), and nightclubs.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

Section 1. No permit shall be issued for the siting and construction of any bars, saloons, taverns (with and without entertainment), and nightclubs for a period of 90 calendar days from the adoption of this ordinance or final adoption of bars, saloons, taverns (with or without entertainment), and nightclubs zoning ordinance.

Section 2. Definitions:

1. *Bar.* Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principle use.
2. *Lounge, cocktail.* An establishment engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, lounges, and similar uses other than restaurants or alcohol sales for off-premises consumption. A cocktail lounge is distinct from a restaurant that sells alcohol when the establishment cannot qualify for a "Consumption on Premises, Special Restaurant Exemption" pursuant to the State Beverage Law.
3. *Nightclub.* An establishment dispensing liquor and meals and in which music, dancing or entertainment is conducted.

4. *Saloon, tavern.* An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.

Section 3. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4. That all sections or parts of sections of the *City of Riviera Beach Code of Ordinances*, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.

Section 5. That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

PASSED AND APPROVED on First Reading this 20TH day of OCTOBER, 1999.

PASSED AND ADOPTED on Second Reading this 03 day of November, 1999.

APPROVED:


MICHAEL D. BROWN, MAYOR


EDWARD RODGERS, CHAIRPERSON

[MUNICIPAL SEAL]


ELIZABETH WADE, CHAIRPERSON PRO-TEM

ATTEST:


MARGE CALLAHAN


CARRIE E. WARD, CMC/AAE
CITY CLERK

MARILYN MOFFITT

DONALD R. WILSON
COUNCIL MEMBERS

FIRST READING

SECOND AND FINAL READING

MOTIONED BY: M. CALLAHAN

MOTIONED BY: E. Wade

SECONDED BY: E. WADE

SECONDED BY: D. Wilson

E. RODGERS AYE

E. RODGERS aye

E. WADE AYE

E. WADE aye

M. CALLAHAN AYE

M. CALLAHAN aye

M. MOFFITT AYE

M. MOFFITT aye

D. WILSON NAY

D. WILSON aye

REVIEWED AS TO LEGAL SUFFICIENCY


INTERIM CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 10-11-99

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by applicable Florida Statutes.

Oct 24, 99

Date

Carrie E. Ward, CMC/AAE, City Clerk

CDD/October 8, 1999

Ordinance No. 2838

An ordinance of the City of Riviera Beach, Palm Beach County, Florida, amending Chapter 2 Article VI of the City's Code of Ordinances by amending division 2, entitled "Code Enforcement Board"; amending section 2-331, entitled "Definitions"; amending section 2-332, entitled "Creation Applicability Jurisdiction"; adding a new section 2-33.1, entitled "Special Master Qualifications, Appointment, & Term; amending section 2-334, entitled "Powers"; adding a new section 2-334.1, entitled "Assignment of Cases"; amending section 2-335, entitled "Enforcement Procedures"; amending section 2-336, entitled "Conduct of Hearings"; amending section 2-337, entitled "Appeal"; amending section 2-338, entitled "Administrative Fines, Liens"; and adding a new section 2-339, entitled "Notices"; providing a severability clause; providing a conflict clause; providing an effective date and other purposes.

Approved October 20, 1999 on first reading; was not returned for final approval.

ORDINANCE NO. 2839

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN FUTURE LAND USE MAP BY CHANGING THE FUTURE LAND USE MAP DESIGNATION FROM COMMERCIAL TO "COMMUNITY FACILITY" FOR A CERTAIN PARCEL OF LAND LOCATED AT THE WEST SIDE OF AVENUE "R" BETWEEN WEST 28TH AND WEST 29TH STREET; DIRECTING THE COMMUNITY DEVELOPMENT DIRECTOR TO UPDATE THE FUTURE LAND USE MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida "Local Government Comprehensive Planning and Land Development Regulation Act" of 1985 provides procedures to amend the adopted Comprehensive Plan; and

WHEREAS, on October 26, 1999, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed change at a Public Hearing, and forwarded a recommendation to the City Council; and

WHEREAS, pursuant to Florida Statutes 163.3187(c), entitled "small scale amendments," the City shall transmit this amendment to the Florida Department of Community Affairs for review and comment.

WHEREAS, Lots 1 through 7, Inclusive, Block 37, First Acrehome Addition To Kelsey City Section 29, Township 42 South, Range 43 East has been assigned the Neighborhood/ Commercial zoning designation.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. The Future Land Use Map in the Riviera Beach Comprehensive Plan is hereby amended to assign the Riviera Beach "Community Facilities" future land use designation to the parcel of land legally described as follows:

Lots 1 to 7, Inclusive, Block 37, First Acrehome Park Addition To Kelsey City, Less the South 5 Feet of Lots 1 to 7, Inclusive and less the East 10 feet of Lot 1, Block 37,

ORDINANCE NO. 2839

-2-

Lots 1 to 7, Inclusive, Block 37, First Acrehome Park Addition To Kelsey City, Less the South 5 Feet of Lots 1 to 7, Inclusive and less the East 10 feet of Lot 1, Block 37, Section 29, Township 42 South, Range 43 East, City of Riviera Beach, Palm Beach County, Florida. Containing 0.82 acres of land, more or less.

SECTION 2. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

SECTION 3. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict herewith, be and the same are hereby repealed to extent of such conflict.

SECTION 4. This Ordinance shall be effective immediately upon adoption.

SECTION 5. The Director of the Department of Community Development is hereby authorized and directed to reflect this amendment on the City's Future Land Use Map by the appropriate means of designating all changes described by this Ordinance.

PASSED AND APPROVED on First Reading this 3rd day of November, 1999.

PASSED AND ADOPTED on Second and Final Reading this 17 day of November, 1999.

APPROVED:

Michael D. Brown
MICHAEL D. BROWN, MAYOR

Edward Rodgers
EDWARD RODGERS,
CHAIRPERSON

[MUNICIPAL SEAL]

Elizabeth Wade
ELIZABETH WADE,
CHAIRPERSON PRO-TEM

ATTEST:

Carrie E. Ward
CARRIE E. WARD, CMC/AE
CITY CLERK

Marge Callahan
MARGE CALLAHAN
Marilyn S. Moffitt
MARILYN MOFFITT
Donald R. Wilson
DONALD WILSON
COUNCIL MEMBERS

1st Reading

2nd & Final Reading

MOTIONED BY:
SECONDED BY:

E. Wade
D. Wilson

E. WADE
M. MOFFITT

E. RODGERS
E. WADE
M. CALLAHAN
M. MOFFITT
D. WILSON

aye
aye
aye
aye
aye

AYE
AYE
AYE
AYE
AYE

REVIEWED AS TO LEGAL SUFFICIENCY

Matthew C. Kessel (10-21-99)
INTERIM CITY ATTORNEY
CITY OF RIVIERA BEACH

ORDINANCE NO. 2839

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CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

Date

Carrie E. Ward, CMC/AE, City Clerk

c:\ORDIN\comm

5/18/99

ORDINANCE NO. 2840

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31, ZONING, IN THE CODE OF ORDINANCES BY CHANGING THE ZONING FROM CN: "NEIGHBORHOOD COMMERCIAL" TO CF:"COMMUNITY FACILITY" FOR 0.82 ACRES OF LAND LOCATED AT THE WEST SIDE OF AVENUE "R" BETWEEN WEST 28TH AND WEST 29TH STREET; DIRECTING THE COMMUNITY DEVELOPMENT DIRECTOR TO UPDATE THE CITY OF RIVIERA BEACH ZONING MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.041 of the Florida Statutes provides procedures to amend the City's zoning regulations; and

WHEREAS, legal notice and review procedures were followed in accordance with Section 166.041(3)(a), Florida Statutes, which provides procedures for rezonings affecting less than 5% of the City's total land area; and

WHEREAS, on October 26, 1999, the Planning and Zoning Board conducted a public hearing and reviewed the proposed zoning change at a public hearing, and forwarded a recommendation to the City Council; and

WHEREAS, the City Council reviewed the request and recommendation of City staff and the Planning and Zoning Board at a public hearing conducted in accordance with Section 166.041, Florida Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. Chapter 31, Zoning, of the Code of Ordinances is hereby amended by assigning CF: "Community Facility" to the parcel of land legally described as follows: Lots 1 to 7, Inclusive, Block 37, First Acrehome Park Addition To Kelsey City, Less the South 5 Feet of Lots 1 to 7, Inclusive and less the East 10 feet of Lot 1, Block 37, Section 29, Township 42 South, Range 43 East, City of Riviera Beach, Palm Beach County, Florida. Containing 0.82 acres of land, more or less.

SECTION 2. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

SECTION 3. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict herewith, be and the same are hereby repealed to extent of such conflict.

SECTION 4. This Ordinance shall be effective immediately upon adoption.

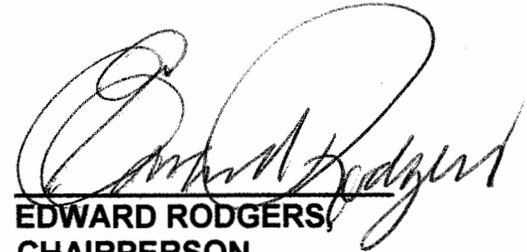
SECTION 5. The Director of the Department of Community Development is hereby authorized and directed to reflect this amendment on the City's Zoning Map by the appropriate means of classifying all changes described by this Ordinance.

PASSED AND APPROVED on First Reading this 3rd day of November, 1999.

PASSED AND ADOPTED on Second Reading this 17 day of November, 1999.

APPROVED:


MICHAEL D. BROWN, MAYOR

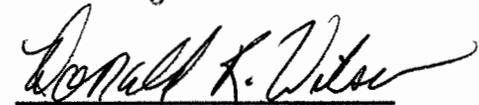

EDWARD RODGERS,
CHAIRPERSON

[MUNICIPAL SEAL]


ELIZABETH WADE,
CHAIRPERSON PRO-TEM


MARGE CALLAHAN


MARILYN MOFFITT


DONALD WILSON
COUNCIL MEMBERS

ATTEST:

CARRIE E. WARD, CMC/AE
CITY CLERK

1st Reading

2nd & Final Reading

MOTIONED BY:
SECONDED BY:

E. Wade
M. Callahan

D. WILSON
E. WADE

E. RODGERS
E. WADE
M. CALLAHAN
M. MOFFITT
D. WILSON

aye
aye
aye
aye
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AYE
AYE
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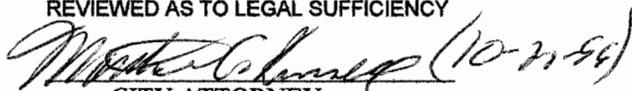
CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

Date

Carrie E. Ward, CMC/AE, City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY

 (10-21-94)

CITY ATTORNEY
CITY OF RIVIERA BEACH

ORDINANCE NO. 2841

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31, "ZONING," OF THE CODE OF ORDINANCES BY ASSIGNING THE IHC-PUD: INLET HARBOR CENTER PLANNED UNIT DEVELOPMENT ZONING DISTRICT TO 7.63 ACRES OF LAND GENERALLY BOUNDED ON THE SOUTH BY BLUE HERON BOULEVARD, ON THE EAST BY THE INTRACOASTAL WATERWAY AND ON THE WEST BY LAKE SHORE DRIVE; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY'S ZONING MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.041 of the Florida Statutes provides procedures to amend the Zoning Ordinance; and

WHEREAS, legal notice and review procedures were followed in accordance with Section 166.041 (3) (c), Florida Statutes, which provides procedures for amendments affecting less than ten (10) contiguous acres; and

WHEREAS, the subject property is currently zoned CG: General Commercial District on the City of Riviera Beach Zoning Map; and

WHEREAS, on October 26, 1999, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed zoning change at a Public Hearing, and forwarded a recommendation to the City Council.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. Chapter 31, "Zoning," of the Riviera Beach Code of Ordinances is hereby amended by assigning IHC-PUD: Inlet Harbor Center Planned Unit Development to the parcel of land legally described as follows:

A PARCEL OF LAND LYING IN GOVERNMENT LOT 3, SECTION 28, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA. SAID PARCEL CONTAINING THE PLAT OF BARTON PARK, RECORDED IN PLAT BOOK 24 ON PAGE 38, PART OF LEE-WOOD PARK RECORDED IN PLAT BOOK 20 ON PAGE 94, AND PART OF BEACH MARINA RECORDED IN PLAT BOOK 30 ON PAGE 43, ALL ACCORDING TO THE PLATS THEREOF, AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 7.63 ACRES, MORE OR LESS.

SUBJECT TO RESERVATIONS, EASEMENTS, AND/OR RIGHTS-OF-WAY OF RECORD.

SECTION 2. The Director of Community Development is hereby authorized and directed to amend the City's Official Zoning Map in accordance with the changes effected under this Ordinance.

SECTION 3. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of the Ordinance.

SECTION 4. That this Ordinance shall be in full force and effective immediately upon its passage and adoption.

PASSED AND APPROVED on First Reading this 3rd day of November 1999.

PASSED AND ADOPTED on Second Reading this 17 day of November 1999.

APPROVED:

[Signature]
MICHAEL D. BROWN, MAYOR

[Signature]
EDWARD RODGERS,
CHAIRPERSON

[MUNICIPAL SEAL]

[Signature]
ELIZABETH WADE
CHAIRPERSON PRO-TEM

[Signature]
MARGE CALLAHAN

ATTEST:
[Signature]
CARRIE E. WARD, CMC/AE
CITY CLERK

[Signature]
MARILYN MOFFITT

[Signature]
DONALD R. WILSON
COUNCIL MEMBERS

MOTIONED BY:
SECONDED BY:

1st Reading

E. Wade
M. Callahan

2nd & Final Reading

E. WADE
M. MOFFITT

E. RODGERS
E. WADE
M. CALLAHAN
M. MOFFITT
D. WILSON

aye
aye
aye
aye
aye

AYE
AYE
AYE
AYE
AYE

REVIEWED AS TO LEGAL SUFFICIENCY
[Signature] (16-28-99)
CITY ATTORNEY
CITY OF RIVIERA BEACH

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

Date

Carrie E. Ward, CMC/AE, City Clerk

ORDINANCE NO. 2842

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, VACATING AND ABANDONING THE 56 FOOT WIDE RIGHT-OF-WAY KNOWN AS OLD SLIP ROAD LOCATED LESS 250 FEET OF THE SUBMERGED LANDS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Old Slip Road is a public right-of-way; and

WHEREAS, The City Council deems it fair and equitable and to be in the best interest of all parties concerned that the said right-of-way, which is the subject matter of this ordinance, should be vacated and abandoned as a public right-of-way, and

WHEREAS, The City Council held a public hearing and found that the above referenced right-of-way should be vacated and abandoned as a public right-of-way.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

Section 1. That the portion of Old Slip Road more particularly described be vacated and abandoned and the City of Riviera Beach hereby relinquishes all claim, right, title, and interest in said property for public right-of-way purposes. Said right-of-way is more particularly described as follows:

See Exhibit "A"

Section 2. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 3. That all sections or parts of sections of the *City of Riviera Beach Code of Ordinances*, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.

Section 4. That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

ORDINANCE NO. 2842
PAGE 2

PASSED AND APPROVED on First Reading this 17th day of November, 1999.

PASSED AND ADOPTED on Second Reading this 15th day of December, 1999.

APPROVED:

MD Brown
MICHAEL D. BROWN, MAYOR

Edward Rodgers
EDWARD RODGERS, CHAIRPERSON

[MUNICIPAL SEAL]

Elizabeth Wade
ELIZABETH WADE, CHAIRMAN PRO-TEM

Marge Callahan
MARGE CALLAHAN

ATTEST:

Carrie E. Ward
CARRIE E. WARD, CMC/AAE
CITY CLERK

Marilyn Moffitt
DONALD R. WILSON
DONALD R. WILSON
COUNCIL MEMBERS

REVIEWED AS TO LEGAL SUFFICIENCY

Michael L. Linnell
INTERIM CITY ATTORNEY

DATE: 11-8-99

FIRST READING

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

E. Rodgers	<u>aye</u>
E. Wade	<u>aye</u>
D. Wilson	<u>aye</u>
M. Moffitt	<u>aye</u>
M. Callahan	<u>aye</u>

SECOND AND FINAL READING

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

E. Rodgers	<u>aye</u>
E. Wade	<u>aye</u>
D. Wilson	<u>aye</u>
M. Moffitt	<u>absent</u>
M. Callahan	<u>aye</u>

EXHIBIT "A"

Description of Old Slip Road right-of-way

A parcel of land bounded on the North by the South line of Lot 8, Block 11, Inlet Grove, according to the plat thereof recorded in Plat Book 8, Page 14, Public Records of Palm Beach County, Florida; bounded on the South by the North line of Lot 1, Block 10, said Plat of Inlet Grove; bounded on the West by the East right-of-way of Avenue "C" (platted as Oak Street), said Plat of Inlet Grove; and bounded on the East by the City of Riviera Beach Bulkhead line (Ordinance 691) recorded in Plat Book 28, Pages 95 and 96, Public Records of Palm Beach County, Florida, said parcel also being described as follows:

(Note: Basis of bearings cited herein are relative to the South line of Lot 8, Block 11, Inlet Grove, according to the plat thereof recorded in Plat Book 8, Page 14, Public Records of Palm Beach County, Florida bearing South 87 degrees, 22 minutes, 12 seconds East as shown on the Plat of City of Riviera Beach Bulkhead Line recorded in Plat Book 28, Pages 95 and 96, Public Records of Palm Beach County, Florida. The plat dimensions along the East right-of-way line of Avenue "C" from the South line of said plat of Inlet Grove to the North line of said plat of Inlet Grove are 6 feet longer than the plat dimensions along the West right-of-way line of Avenue "C". There is conflicting monumentation of the North and South right-of-way lines of Old Slip Road to indicate that the 6 feet lies either within the right-of-way of Old Slip Road or 3 feet lies immediately adjacent to each right-of-way line. This description includes the 6 foot overage within the right-of-way and uses the platted distances from the South to locate the South right-of-way line and the platted distances from the North to locate the North right-of-way line.)

Commencing at the intersection of the centerline of Avenue "C" (platted as Oak Street) and the Westerly projection of the South line of Lot 8, Block 11, Inlet Grove, according to the plat thereof, recorded in Plat Book 8, Page 14, Public Records of Palm Beach County, Florida; thence South 87 degrees, 22 minutes, 12 seconds East, along said Westerly projection a distance of 25.07 feet to the East right-of-way line of said Avenue "C" and the Point of Beginning; thence continue South 87 degrees, 22 minutes, 12 seconds East, along said South line of Lot 8, Block 11 and its Easterly projection, a distance of 358.75 feet to the approximate Westerly mean high water line of Lake Worth; Thence South 03 degrees, 10 minutes, 09 seconds West along said mean high water line, also being the underface of a concrete bulkhead, a distance of 56.00 feet to the Easterly projection of the North line of Lot 1, Block 10, said Plat of Inlet Grove; thence North 87 degrees, 22 minutes, 12 seconds West, along said Easterly projection and along said North line of Lot 1, Block 10, a distance of 362.42 feet, more or less, to the East right-of-way line of said Avenue "C"; thence North 06 degrees, 55 minutes, 03 seconds East, along said East right-of-way line a distance of 56.16 feet to the Point of Beginning. Together with that external area of an non-dimensioned radius curve shown at the Southwest corner of said Lot 8, Block 11 and at the Northwest corner of said Lot 1, Block 10.

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

Date

Carrie E. Ward, CMC/AEE, City Clerk

To: Judith Thomas
From: Lawrence W. Smith, Esq.

RECEIVED

JUN 27 2000

COMMUNITY DEVELOPMENT

Apr-18-2000 04:10pm 00-141734
0000 11727 Pg 1060

✓ WILL CALL
BOX 116
/s/

ORDINANCE NO. 2842

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, VACATING AND ABANDONING THE 66 FOOT WIDE RIGHT-OF-WAY KNOWN AS OLD SLIP ROAD LOCATED LESS 200 FEET OF THE SUMMERGED LANDS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Old Slip Road is a public right-of-way; and

WHEREAS, The City Council deems it fair and equitable and to be in the best interest of all parties concerned that the said right-of-way, which is the subject matter of this ordinance, should be vacated and abandoned as a public right-of-way; and

WHEREAS, The City Council held a public hearing and found that the above referenced right-of-way should be vacated and abandoned as a public right-of-way.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

Section 1. That the portion of Old Slip Road more particularly described be vacated and abandoned and the City of Riviera Beach hereby relinquishes all claim, right, title, and interest in said property for public right-of-way purposes. Said right-of-way is more particularly described as follows:

See Exhibit "A"

Section 2. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 3. That all sections or parts of sections of the *City of Riviera Beach Code of Ordinances*, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.

Section 4. That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

ORB 11727 Pg 1061

ORDINANCE NO. 2842
PAGE 2

PASSED AND APPROVED on First Reading this 17th day of November 1999.

PASSED AND ADOPTED on Second Reading this 15th day of December, 1999.

APPROVED:

M.D. Brown
MICHAEL D. BROWN, MAYOR

Edward Rodgers
EDWARD RODGERS, CHAIRPERSON

[MUNICIPAL SEAL]

Elizabeth Wade
ELIZABETH WADE, CHAIRMAN PRO-TEM

Marge Callahan
MARGE CALLAHAN

ATTEST:

Carrie E. Ward
CARRIE E. WARD, CMC/AAE
CITY CLERK

MARILYN MOFFITT
Donald R. Wilson
DONALD R. WILSON
COUNCIL MEMBERS

REVIEWED AS TO LEGAL SUFFICIENCY

Donald R. Wilson
INTERIM CITY ATTORNEY

DATE 11-8-99

FIRST READING

SECOND AND FINAL READING

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

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

E. Rodgers aye
E. Wade aye
D. Wilson aye
M. Moffitt aye
M. Callahan aye

E. Rodgers aye
E. Wade aye
D. Wilson aye
M. Moffitt absent
M. Callahan aye

RECORDER'S MEMO- Legibility of document
unsatisfactory when received.

ORB 11727 Pg 1062

EXHIBIT "A"

Description of Old Slip Road right-of-way

A parcel of land bounded on the North by the South line of Lot 8, Block 11, Inlet Grove, according to the plat thereof recorded in Plat Book 8, Page 14, Public Records of Palm Beach County, Florida; bounded on the South by the North line of Lot 1, Block 10, said Plat of Inlet Grove; bounded on the West by the East right-of-way of Avenue "C" (platted as Oak Street), said Plat of Inlet Grove; and bounded on the East by the City of Riviera Beach Bulkhead line (Ordinance 691) recorded in Plat Book 28, Pages 95 and 96. Public Records of Palm Beach County, Florida, said parcel also being described as follows.

(Note: Basis of bearings cited herein are relative to the South line of Lot 8, Block 11, Inlet Grove, according to the plat thereof recorded in Plat Book 8, Page 14, Public Records of Palm Beach County, Florida bearing South 87 degrees, 22 minutes, 12 seconds East as shown on the Plat of City of Riviera Beach Bulkhead Line recorded in Plat Book 28, Pages 95 and 96. Public Records of Palm Beach County, Florida. The plat dimensions along the East right-of-way line of Avenue "C" from the South line of said plat of Inlet Grove to the North line of said plat of Inlet Grove are 6 feet longer than the plat dimensions along the West right-of-way line of Avenue "C". There is conflicting monumentalation of the North and South right-of-way lines of Old Slip Road to indicate that the 6 feet lies either within the right-of-way of Old Slip Road or 3 feet lies immediately adjacent to each right-of-way line. This description includes the 6 foot overage within the right-of-way and uses the platted distances from the South to locate the South right-of-way line and the platted distances from the North to locate the North right-of-way line.)

Commencing at the intersection of the centerline of Avenue "C" (platted as Oak Street) and the Westerly projection of the South line of Lot 8, Block 11, Inlet Grove, according to the plat thereof, recorded in Plat Book 8, Page 14, Public Records of Palm Beach County, Florida; thence South 87 degrees, 22 minutes, 12 seconds East, along said Westerly projection a distance of 25.07 feet to the East right-of-way line of said Avenue "C" and the Point of Beginning; thence continue South 87 degrees, 22 minutes, 12 seconds East, along said South line of Lot 8, Block 11 and its Easterly projection, a distance of 358.75 feet to the approximate Westerly mean high water line of Lake Worth; Thence South 03 degrees, 10 minutes, 09 seconds West along said mean high water line, also being the underface of a concrete bulkhead, a distance of 56.00 feet to the Easterly projection of the North line of Lot 1, Block 10, said Plat of Inlet Grove; thence North 87 degrees, 22 minutes, 12 seconds West, along said Easterly projection and along said North line of Lot 1, Block 10, a distance of 362.42 feet, more or less, to the East right-of-way line of said Avenue "C"; thence North 06 degrees, 55 minutes, 03 seconds East, along said East right-of-way line a distance of 56.16 feet to the Point of Beginning. Together with that external area of an non-dimensioned radius curve shown at the Southwest corner of said Lot 8, Block 11 and at the Northwest corner of said Lot 1, Block 10.

IM : FL-00-42579-2 06/23/2000 06:04:31pm

Page 4 of 4

ORB 11727 Pg 1063
DOROTHY H. WILKEN, CLERK PS COUNTY, FL

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

June 23, 2000
Date

[Signature]
Carrie E. Ward, CMC/AAE, City Clerk

STATE OF FLORIDA

COUNTY OF PALM BEACH

SS.

CITY OF RIVIERA BEACH

I, CARRIE E. WARD, CMC/AAE, CITY CLERK OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA DO HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF [Signature]

AS EVIDENCED BY THE RECORDS OF THE CITY CLERK IN THE OFFICE OF THE CITY CLERK.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL OF THE CITY OF RIVIERA BEACH, FLORIDA, THIS 23RD DAY OF June 2000.

(SEAL)

[Signature]
CARRIE E. WARD, CMC/AAE

IM : FL-00-42579-2 06/23/2000 06:04:31pm

Page 2 of 2

ORB 11727 Pg 1069
DOROTHY H. WILREN, CLERK PB COUNTY, FL

EXHIBIT "A"

DESCRIPTION OF A PORTION OF OLD SLIP ROAD RIGHT-OF-WAY

The North 22 feet of the South one-half of the following described parcel:

Commencing at the intersection of the centerline of Avenue "C" (platted as Oak Street) and the Westerly projection of the South line of Lot 8, Block 11, Inlet Grove, according to the plat thereof, recorded in Plat Book 8, Page 14, Public Records of Palm Beach County, Florida; thence South 87 degrees, 22 minutes, 12 seconds East, along said Westerly projection a distance of 25.07 feet to the East right-of-way line of said Avenue "C" and the Point of Beginning; thence continue South 87 degrees, 22 minutes, 12 seconds East, along said South line of Lot 8, Block 11 and its Easterly projection, a distance of 358.75 feet to the approximate Westerly mean high water line of Lake Worth; Thence South 03 degrees, 10 minutes, 09 seconds West along said mean high water line, also being the underface of a concrete bulkhead, a distance of 58.00 feet to the Easterly projection of the North line of Lot 1, Block 10, said Plat of Inlet Grove; thence North 87 degrees, 22 minutes, 12 seconds West, along said Easterly projection and along said North line of Lot 1, Block 10, a distance of 362.42 feet, more or less, to the East right-of-way line of said Avenue "C"; thence North 06 degrees, 55 minutes, 03 seconds East, along said East right-of-way line a distance of 56.16 feet to the Point of Beginning. Together with that external area of a non-dimensioned radius curve shown at the Southwest corner of said Lot 8, Block 11 and at the Northwest corner of said Lot 1, Block 10.

RECORDER'S MEMO- Legibility of document
unsatisfactory when received.

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 2-236(d) OF THE CITY CODE BY INCREASING THE PRIVATE VEHICLE MILEAGE RATE TO 33 CENTS PER MILE AND PROVIDING FOR FUTURE INCREASES; PROVIDING FOR REPEALING CLAUSE, PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is common to adjust expense reimbursement rates on a periodic basis due to changing economic conditions;

NOW, THEREFORE, THE CITY OF RIVIERA BEACH HEREBY ORDAINS:

SECTION 1. That Section 2-236(d) of the City Code be amended as follows:

- (d) Travel will be by City-owned vehicles when practical. The use of privately-owned vehicles for official travel in lieu of City-owned vehicles or common carrier may be authorized by the city manager if a City-owned vehicle is not available. Whenever travel is by privately-owned vehicle, the traveler shall be entitled to a mileage allowance at a fixed rate not to exceed ~~\$0.25~~ \$0.33 per mile or the common carrier fare for such travel, to be determined by the city manager. Reimbursement for expenditures related to the operation, maintenance and ownership of a vehicle shall not be allowed when privately-owned vehicles are used on City business and reimbursement is made pursuant to this subsection, except as provided in section 2-237. All mileage shall be shown from point of origin to point of destination and when possible shall be computed on the basis of the current state road department map. Vicinity mileage necessary for conduct of official business is allowable but must be shown as a separate item on the expense voucher.

SECTION 2. That the Finance Director is authorized, with the approval of the City Manager, to periodically adjust the mileage reimbursement rate up to the amount authorized by the Internal Revenue Service for business use of an automobile or to a different rate based upon local economic conditions.

SECTION 3. The effective date of this ordinance shall be January 1, 2000.

SECTION 4. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this ordinance may be renumbered to accomplish such intentions.

SECTION 5. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

SECTION 6. That all sections or parts of sections of the Code of Ordinance, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.

SECTION 7. Specific authority is hereby granted to codify this Ordinance.

PASSED and APPROVED on First Reading this 17 day of November, 1999.
PASSED and ADOPTED on Second Reading this 15th day of December, 1999.

APPROVED:

Michael D. Brown
MICHAEL D. BROWN, MAYOR

Edward Rodgers
EDWARD RODGERS, CHAIRPERSON

Elizabeth K. Wade
ELIZABETH K. WADE, CHAIR PRO-TEM

Margaret Callahan
MARGARET CALLAHAN

(MUNICIPAL SEAL)

ATTEST:

Carrie E. Ward
CARRIE E. WARD, CMC/AE
CITY CLERK

Marilyn Moffitt
DONALD R. WILSON
COUNCILMEMBERS

FIRST READING

SECOND AND FINAL READING

MOTIONED BY: E. Wade
SECONDED BY: D. Wilson
E. RODGERS aye
E. WADE aye
M. CALLAHAN aye
M. MOFFITT aye
D. WILSON aye

MOTIONED BY: E. Wade
SECONDED BY: M. Callahan
E. RODGERS aye
E. WADE aye
M. CALLAHAN aye
M. MOFFITT absent
D. WILSON aye

REVIEWED AS TO LEGAL SUFFICIENCY
Mark C. Perry
CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 11-10-99

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by applicable Florida Statutes.

November 17, 99
Date

C. E. Ward
Carrie E. Ward, CMC/AE, City Clerk

FINNOVEMER 1, 1999

ORDINANCE NO. 2844

**AN ORDINANCE OF THE CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA AMENDING THE PAY
AND SALARY SCHEDULE BY CREATING THE
UNCLASSIFIED POSITIONS OF RECORDS MANAGEMENT
SPECIALIST, INTERGOVERNMENTAL RELATIONS
COORDINATOR AND SYSTEMS ADMINISTRATOR,
CLASSIFIED POSITIONS OF COMBINATION INSPECTOR,
GIS CADD TECHNICIAN I, AND SURVEYOR AND BY
REGRADING THE CLASSIFIED POSITION OF
EMERGENCY COMMUNICATIONS SUPERVISOR, AND BY
DELETING THE UNCLASSIFIED POSITION OF GRANT
WRITER AND THE CLASSIFIED POSITION OF
BUILDING INSPECTOR I UNDER VARIOUS
CLASS TITLES AND PROVIDING A SEVERABILITY
CLAUSE AND AN EFFECTIVE DATE.**

WHEREAS, City Council approved the creation, regrade and deletion of various unclassified and classified positions in the 1999-2000 budget; and

WHEREAS, the positions must be reflected on the pay and classification schedules; and

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA;**

SECTION 1. That the pay and salary schedule be amended by creating and deleting the classified and unclassified positions detailed in the pay and classification plan.

SECTION 2. That this Ordinance shall take effect upon its passage and adoption by the City Council.

SECTION 3. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Riviera Beach, and the sections of this ordinance may be renumbered to accomplish such intentions.

SECTION 4. If any word, phrase, clause, subsection or section of this ordinance is, for any reason held unconstitutional or invalid, the invalidity thereof shall not effect the validity of any remaining portions of this ordinance.

SECTION 5. That all sections or parts of sections of the Code of Ordinances and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

SECTION 6. That this Ordinance shall not be codified.

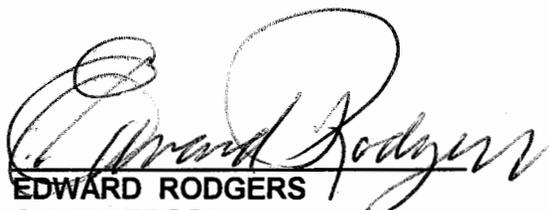
SECTION 7. That this Ordinance shall be in full force and effective immediately upon its final passage and adoption.

PASSED and APPROVED on first reading this 15 day of December, 1999.

PASSED and ADOPTED on second reading this 5 day of January, 1999. 2000.

APPROVED:


MICHAEL D. BROWN, MAYOR


EDWARD RODGERS
CHAIRPERSON

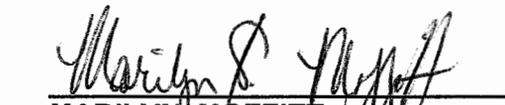
(MUNICIPAL SEAL)


ELIZABETH WADE
CHAIRPERSON PRO TEM

ATTEST:


CARRIE E. WARD, CMC/AE
CITY CLERK


MARGE CALLAHAN


MARILYN MOFFITT

DONALD R. WILSON
COUNCILMEMBERS

ORDINANCE NO. 2844

PAGE - 3 -

FIRST READING:

MOTIONED BY: E. WADE

SECONDED BY: D. WILSON

MOTIONED BY: E. WADE

SECONDED BY: D. WILSON

1ST READING

E. RODGERS aye

E. WADE aye

M. CALLAHAN aye

M. MOFFITT absent

D. WILSON aye

2ND READING

aye

aye

aye

aye

aye

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this Ordinance was duly published in a newspaper or general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

December 15, 99
DATE

[Signature]
CARRIE E. WARD, CMC/AAE
City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY

[Signature]
INTERIM CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE 11-17-99
DMK/11/08/99

ORDINANCE NO. 2845

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP IN THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN BY ASSIGNING THE FUTURE LAND USE DESIGNATION OF "RECREATION" TO 1.01 ACRES OF LAND AT 2485 PORTWEST BOULEVARD; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE FUTURE LAND USE MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida "Local Government Comprehensive Planning and Land Development Regulation Act" of 1985 provides procedures to amend the adopted Comprehensive Plan; and

WHEREAS, the subject site is currently assigned the "Industrial" Future Land Use Map designation; and

WHEREAS, on December 9, 1999, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed change at a Public Hearing, and forwarded a recommendation to the City Council; and

WHEREAS, the City Council sitting as the Local Governing Body, reviewed the request and recommendations and conducted a Public Hearing and first reading of this ordinance; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. The Future Land Use Map in the Riviera Beach Comprehensive Plan is hereby amended to assign the Riviera Beach "Recreation" Future Land Use Map designation to the parcels of land legally described as follows:

A parcel of land lying in Block 000, Lot 0010, Subdivision 27, Section 36, Township 42 South, Range 42 East, Palm Beach County, Florida. Said parcel containing the plat of Port West Industrial Center, as recorded in Plat Book 56, page 136, Public Records, Palm Beach County, Florida.

Subject to reservations, easements, and/or rights-of-way of record.

Containing 1.01 acres, more or less.

SECTION 2. The Director of Community Development is hereby authorized and directed to amend the City's Future Land Use Map by the appropriate means of designating all changes described by this Ordinance.

SECTION 3. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of the Ordinance.

SECTION 4. The effective date for the enactment of this Ordinance shall be thirty-one (31) days after the adoption hearing.

PASSED AND APPROVED on First Reading this 19th day of January 2000.

PASSED AND ADOPTED on Second Reading this 02 day of February 2000.

APPROVED:

Michael D. Brown
MICHAEL D. BROWN, MAYOR

Edward Rodgers
EDWARD RODGERS,
CHAIRPERSON

[MUNICIPAL SEAL]

Elizabeth Wade
ELIZABETH WADE
CHAIRPERSON PRO-TEM

Marge Callahan
MARGE CALLAHAN

Marilyn S. Moffitt
MARILYN MOFFITT

ATTEST:

Carrie E. Ward
CARRIE E. WARD, CMC/AE
CITY CLERK

Donald R. Wilson
DONALD R. WILSON
COUNCIL MEMBERS

1st Reading

2nd & Final Reading

MOTIONED BY: M. Moffitt
SECONDED BY: E. Wade

M. Moffitt
E. Wade

E. RODGERS aye
E. WADE aye
M. CALLAHAN aye
M. MOFFITT aye
D. WILSON aye

aye
aye
aye
aye
aye

REVIEWED AS TO LEGAL SUFFICIENCY

Mark C. Perry
CITY ATTORNEY
CITY OF RIVIERA BEACH

1-6-2000

ORDINANCE NO. 2846

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, CHANGING THE ZONING ON A 12.39 ACRE PARCEL LOCATED AT 6566 NORTH MILITARY TRAIL, AND 2485 PORTWEST BOULEVARD FROM IG (GENERAL INDUSTRIAL), AND CG (GENERAL COMMERCIAL) TO RO (RECREATIONAL /OPEN SPACE); DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY'S ZONING MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.041 of the Florida Statutes provides procedures to amend the Zoning Ordinance; and

WHEREAS, legal notice and review procedures were followed in accordance with Section 166.041 (3) (c), Florida Statutes, which provides procedures for amendments; and

WHEREAS, the subject property is zoned IG (General Industrial) District, and CG (General Commercial) District on the City of Riviera Beach Zoning Map; and

WHEREAS, on December 9, 1999, the Planning and Zoning Board reviewed the proposed zoning change at a Public Hearing, and forwarded a recommendation to the City Council.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. The zoning is changed by Ordinance to RO (Recreational/Open Space) District for the parcels of land legally described as follows:

All of Tracts "A" and "B", V.I.P., according to the plat thereof, as recorded in Plat Book 51, Page 29, Public Records, Palm Beach County, Florida.

Together with all of Tract "B", V.I.P. Plat No. 2, according to the plat thereof, as recorded in Plat Book 72, Page 144, Public Records, Palm Beach County, Florida.

Together with all of plat of Port West Industrial Center, according to the thereof, recorded in Plat Book 56, Page 136, Public Records, Palm Beach County, Florida.

Containing 12.39 acres, more or less.

Subject to reservations, easements, and/or rights-of-way of record.

SECTION 2. The Director of Community Development is hereby authorized and directed to amend the City's Official Zoning Map in accordance with the changes effected under this Ordinance.

SECTION 3. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of the Ordinance.

SECTION 4. This Ordinance shall be in full force and effective immediately upon its passage and adoption.

PASSED AND APPROVED on First Reading this 19th day of January 2000.

PASSED AND ADOPTED on Second Reading this 02 day of February 2000.

APPROVED:

Michael D. Brown
MICHAEL D. BROWN, MAYOR

Edward Rodgers
EDWARD RODGERS,
CHAIRPERSON

[MUNICIPAL SEAL]

Elizabeth Wade
ELIZABETH WADE
CHAIRPERSON PRO-TEM

Marge Callahan
MARGE CALLAHAN

ATTEST:

Carrie E. Ward
CARRIE E. WARD, CMC/AE
CITY CLERK

Marilyn S. Moffitt
MARILYN MOFFITT

Donald R. Wilson
DONALD R. WILSON
COUNCIL MEMBERS

1st Reading

2nd & Final Reading

MOTIONED BY:
SECONDED BY:

E. Wade
M. Callahan

E. Wade
M. Callahan

E. RODGERS
E. WADE
M. CALLAHAN
M. MOFFITT
D. WILSON

aye
aye
aye
aye
aye

aye
aye
aye
aye
aye

REVIEWED AS TO LEGAL SUFFICIENCY

Michael C. Russell (1-1-2000)
CITY ATTORNEY
CITY OF RIVIERA BEACH

ORDINANCE NO. 2846

PAGE 4

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

Date

Carrie E. Ward, CMC/AE, City Clerk

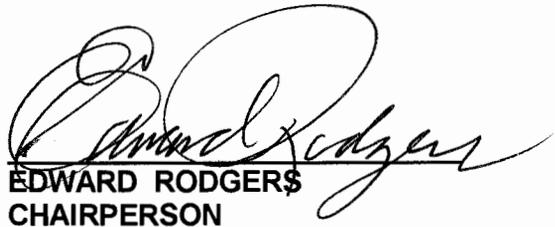
ORDINANCE NO. 2847
PAGE - 2 -

PASSED and APPROVED on first reading this 2nd day of
February, 2000.

PASSED and ADOPTED on second reading this 1st day of
March, 2000.

APPROVED:


MICHAEL D. BROWN, MAYOR


EDWARD RODGERS
CHAIRPERSON

(MUNICIPAL SEAL)


ELIZABETH WADE
CHAIRPERSON PRO TEM

ATTEST:


CARRIE E. WARD, CMC/AE
CITY CLERK


MARGE CALLAHAN


MARILYN MOFFITT


DONALD R. WILSON
COUNCILMEMBERS

1ST READING

E. RODGERS aye
E. WADE aye
M. CALLAHAN aye
M. MOFFITT aye
D. WILSON aye

2ND READING

aye
aye
aye
aye
aye

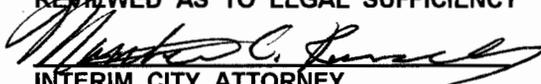
CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this Ordinance was duly published in a newspaper or general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

DATE

CARRIE E. WARD, CMC/AE
City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY


INTERIM CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE 1-21-2002
DMK/01/07/00

ORDINANCE NO. 2847

**AN ORDINANCE OF THE CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA AMENDING THE PAY
AND SALARY SCHEDULE BY CREATING THE
CLASSIFIED POSITIONS OF INFORMATION SERVICES
TECHNICIAN I AND BY DELETING THE CLASSIFIED
POSITIONS OF COMPUTER OPERATOR AND SENIOR
COMPUTER OPERATOR UNDER VARIOUS CLASS
TITLE ADMINISTRATIVE GENERAL AND PROVIDING
A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**

WHEREAS, the positions of Computer Operator and Senior Computer Operator are longer valid and should be deleted from the current pay and classification schedule, and

WHEREAS, the position of Information Services Technician I should be created to reflect the duties perform and add same to the pay and classification schedule

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA;**

SECTION 1. That the pay and salary schedule be amended by creating and deleting the classified and unclassified positions detailed in the pay and classification plan.

SECTION 2. That this Ordinance shall take effect upon its passage and adoption by the City Council.

SECTION 3. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Riviera Beach, and the sections of this ordinance may be renumbered to accomplish such intentions.

SECTION 4. If any word, phrase, clause, subsection or section of this ordinance is, for any reason held unconstitutional or invalid, the invalidity thereof shall not effect the validity of any remaining portions of this ordinance.

SECTION 5. That all sections or parts of sections of the Code of Ordinances and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

SECTION 6. That this Ordinance shall not be codified.

SECTION 7. That this Ordinance shall be in full force and effective immediately upon its final passage and adoption.

ORDINANCE NO. 2847
PAGE - 2 -

PASSED and APPROVED on first reading this 2nd day of
February, 2000.

PASSED and ADOPTED on second reading this 1st day of
March, 2000.

APPROVED:



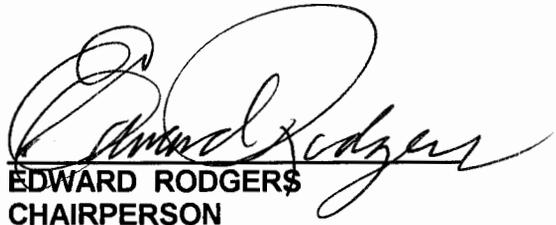
MICHAEL D. BROWN, MAYOR

(MUNICIPAL SEAL)

ATTEST:



CARRIE E. WARD, CMC/AE
CITY CLERK


EDWARD RODGERS
CHAIRPERSON
ELIZABETH WADE
CHAIRPERSON PRO TEM
MARGE CALLAHAN
MARILYN MOFFITT
DONALD R. WILSON
COUNCILMEMBERS

1ST READING

E. RODGERS aye
E. WADE aye
M. CALLAHAN aye
M. MOFFITT aye
D. WILSON aye

2ND READING

aye
aye
aye
aye
aye

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this Ordinance was duly published in a newspaper or general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

DATE

CARRIE E. WARD, CMC/AE
City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY

INTERIM CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE 1-21-2002
DMK/01/07/00

**NOTICE OF PUBLIC HEARING FOR
VOLUNTARY ANNEXATION**

*No Deleted
Not Re-assigned
2/17/00
C.E.W.*

Notice is hereby given that the City of Riviera Beach, Palm Beach County, Florida proposes to annex land in the unincorporated limits of Palm Beach as shown on the map in this advertisement. The City proposes to amend its boundaries as follows:

ORDINANCE NO. 2848

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, ACCEPTING A PETITION FOR VOLUNTARY ANNEXATION FROM FRED KELLER,, TRUSTEE, WITH LAND IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA, CONTAINING 3.535 ACRES, LYING WEST OF MILITARY TRAIL AND SOUTH OF DYER ROAD, 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; PROVIDING AN EFFECTIVE DATE THEREOF; AND FOR OTHER PURPOSES IN ACCORDANCE WITH SECTION 171.046, FLORIDA STATUES.

This public hearing is being held in accordance with Florida State Statute 171.044. This petition is scheduled to be heard before the governing body as follows:

City Council

Wednesday, February 16, 2000

At

7:30 p.m.

This Public Hearing will be conducted at the stated time, or as soon thereafter as the matter can be heard, in the Council Chambers at the Municipal Complex, 600 West Blue Heron Boulevard, Riviera Beach, Florida, and continuing from time to time and place to place, as the said meetings may be adjourned, to consider said matter. Interested persons are encouraged to attend the hearing and any adjournment thereof.

The proposed Ordinance and background material is available for review in the Office of the City Clerk at 600 West Blue Heron Boulevard, Riviera Beach, Florida, Monday through Friday, between the hours of 8:30 a.m. and 5:00 p.m., except holidays.

The City of Riviera Beach does not discriminate against the physically challenged in meeting location.

C. E. Ward

Carrie E. Ward, City Clerk CMC/AAE

Publish: Palm Beach Post

February 2, 2000

February 9, 2000

Ordinance No should not have been assigned for advertisement. Should have been advertised as is by...

ORDINANCE NO. 2849

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, ACCEPTING A PETITION FOR VOLUNTARY ANNEXATION FROM FRED KELLER, TRUSTEE, WITH LAND IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA, CONTAINING 3.535 ACRES, LYING WEST OF MILITARY TRAIL AND SOUTH OF DYER ROAD, 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; PROVIDING AN EFFECTIVE DATE THEREOF; AND FOR OTHER PURPOSES IN ACCORDANCE WITH SECTION 171.046, FLORIDA STATUES.

WHEREAS, the City Council of the City of Riviera Beach, Florida, has examined the attached petition and finds the following to be true:

- a. The petitioner is the owner of the property described therein.
- b. The petition bear the notarized signature of the owner of the property proposed for annexation.
- c. The proposed annexed property is in the unincorporated area of Palm Beach County, contiguous to the present boundaries of the City of Riviera Beach, Florida.
- d. No part of the proposed annexed property is included with the boundary of another incorporated municipality.
- e. The City has the capability to provide municipal services, e.g. fire and police protection, water and sewer services, garbage and trash collection to the subject property at the same level of service as such services are provided within the rest of the municipality.
- f. This ordinance is pursuant to Section 171.044, Voluntary Annexation, Florida Statutes; and

WHEREAS, the City of Riviera Beach has agreed to furnish the municipal utilities, e.g., water and sewer, to the subject property for development purposes upon receipt of the Voluntary Petitions for Annexation; and subject to conditions set forth in the petition.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

- Section 1.** Pursuant to Section 171, Florida Statutes, the City of Riviera Beach, Florida, hereby declares its intent and desire to extend its municipal boundaries to include the properties described below after the approval of this Ordinance on second and final reading:

Petitioner

Fred Keller, Trustee

Property Control Number: 00-42-42-36-00-000-3170 and
00-42-42-36-00-000-3100

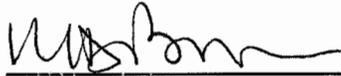
- Section 2.** This Ordinance shall be read by Title on first reading, and shall be published in its entirety once a week for two (2) consecutive weeks in a newspaper of general circulation in Palm Beach County, Florida. Thereupon after second reading by Title only, this ordinance shall become effective immediately upon passage and adoption, and the annexations shall become effective.
- Section 3.** Within thirty (30) days after final passage and publication, a certified copy of this Ordinance shall be filed by the City Clerk with the Secretary of State of the State of Florida as a revision of its Charter, the Clerk of the Circuit Court, Palm Beach County and other agencies as required by Law.
- Section 4.** All Ordinances of the City of Riviera Beach, Florida, shall apply to the property proposed to be annexed when the annexation is final.
- Section 5.** The corporate limits of the City of Riviera Beach are hereby redefined to include subject Petition as follows:
- See Exhibit "A"
- Section 6.** The City Clerk is hereby directed to include the above named parcels within the municipal boundaries of the City of Riviera Beach.
- Section 7.** Upon annexation, the City shall assign the land use and zoning designations to said parcels, in accordance with Chapter 163, Florida Statutes.
- Section 8.** Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof than the part declared to be invalid.
- Section 9.** All Ordinances or parts of Ordinances in conflict herewith or to the extent of such conflict shall be repealed.

ORDINANCE NO. 2849
PAGE 3

PASSED AND APPROVED on First Reading this 16th day of February, 2000.

PASSED AND ADOPTED on Second Reading this 1st day of March, 2000.

APPROVED:



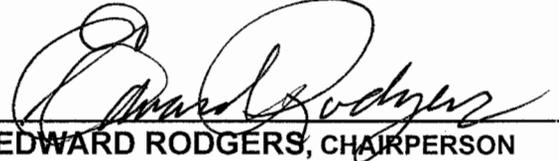
MICHAEL D. BROWN, MAYOR

[MUNICIPAL SEAL]

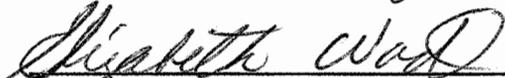
ATTEST:



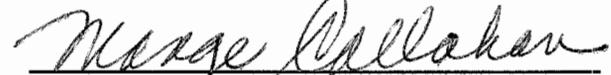
CARRIE E. WARD, CMC/AE
CITY CLERK



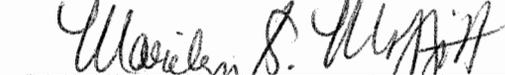
EDWARD RODGERS, CHAIRPERSON



ELIZABETH WADE, CHAIRPERSON PRO-TEM



MARGE CALLAHAN



MARILYN MOFFITT



DONALD R. WILSON
COUNCIL MEMBERS

FIRST READING

MOTIONED BY: M. Callahan

SECONDED BY: M. Moffitt

E. RODGERS aye

E. WADE absent

M. CALLAHAN aye

M. MOFFITT aye

D. WILSON aye

SECOND AND FINAL READING

MOTIONED BY: E. Wade

SECONDED BY: D. Wilson

E. RODGERS aye

E. WADE aye

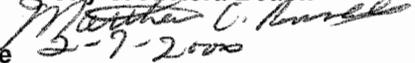
M. CALLAHAN aye

M. MOFFITT aye

D. WILSON aye

REVIEWED AS TO LEGAL SUFFICIENCY
City Attorney

City of Riviera Beach


Date 5-9-2000

ORDINANCE NO. 2849

PAGE 4

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by applicable Florida Statutes.

Date

Carrie E. Ward, CMC/AEE, City Clerk

C:\Ordinance\Keller.annex.

EXHIBIT "A"

LEGAL DESCRIPTION:

Parcel 1

The East 280 feet of the North half (N ½) of the South half (S ½) of the North half (N ½) of the Northwest quarter (NW ¼) of Section 36, Township 42 South, Range 42 East, less the North 40 feet and the East 60 feet thereof for road right of way.

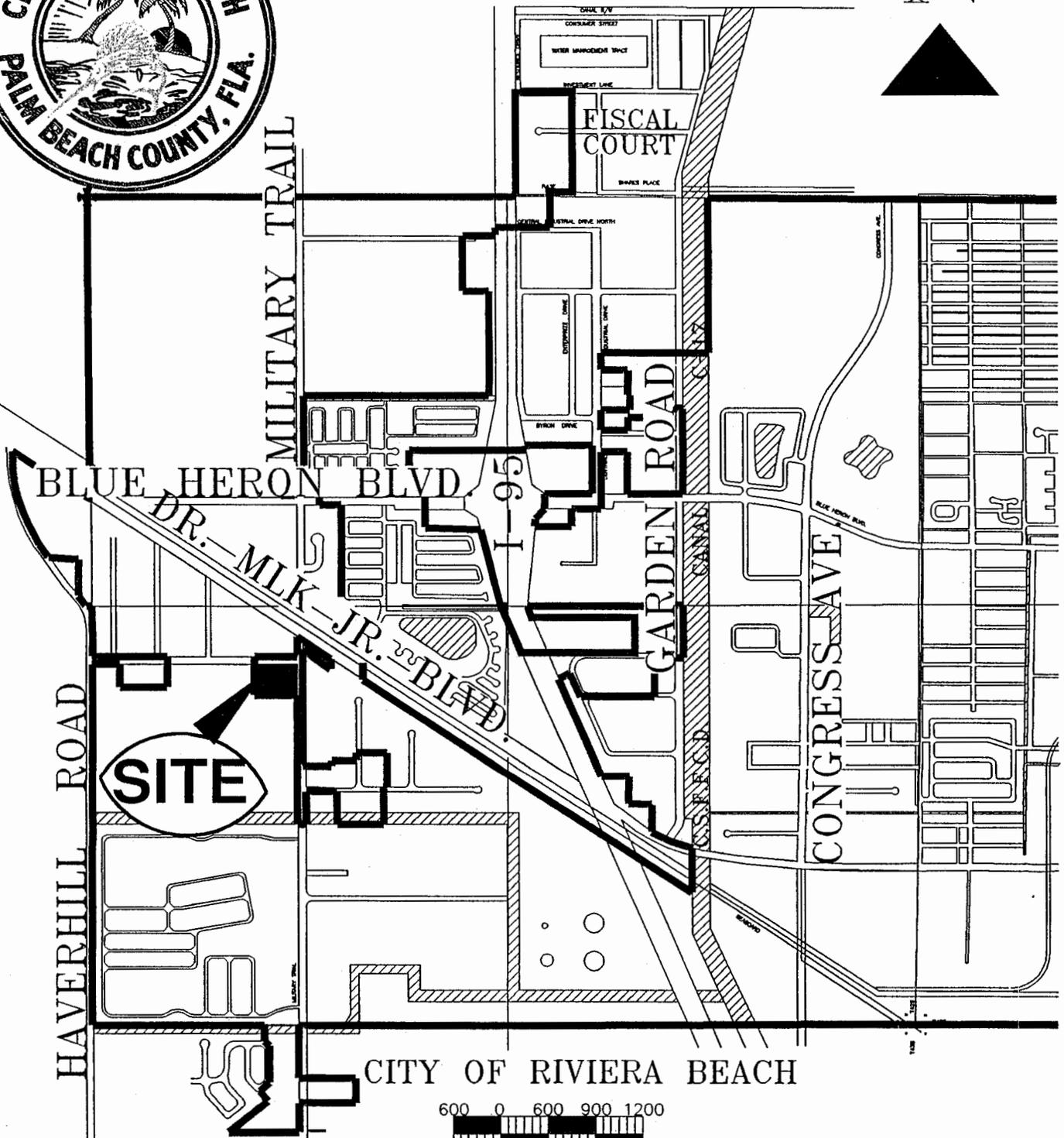
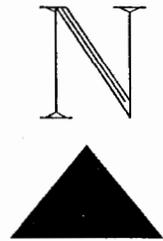
Parcel 2

The West 305.96 feet of the East 585.96 feet of the North half (N ½) of the South half (S ½) of the North half (N ½) of the Northwest quarter (NW ¼) of Section 36, Township 42 South, Range 42 East, Palm Beach County, Florida, less the North 40 feet thereof.

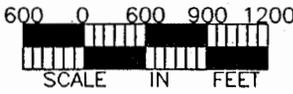
Containing 3.535 acres more or less.



KELLER ANNEXATION



CITY OF RIVIERA BEACH



ORDINANCE NO. 2849

PAGE 2

Petitioner

Fred Keller, Trustee

Property Control Number: 00-42-42-36-00-000-3170 and
00-42-42-36-00-000-3100

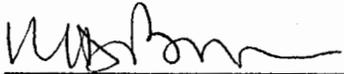
- Section 2.** This Ordinance shall be read by Title on first reading, and shall be published in its entirety once a week for two (2) consecutive weeks in a newspaper of general circulation in Palm Beach County, Florida. Thereupon after second reading by Title only, this ordinance shall become effective immediately upon passage and adoption, and the annexations shall become effective.
- Section 3.** Within thirty (30) days after final passage and publication, a certified copy of this Ordinance shall be filed by the City Clerk with the Secretary of State of the State of Florida as a revision of its Charter, the Clerk of the Circuit Court, Palm Beach County and other agencies as required by Law.
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- See Exhibit "A"
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- Section 8.** Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof than the part declared to be invalid.
- Section 9.** All Ordinances or parts of Ordinances in conflict herewith or to the extent of such conflict shall be repealed.

ORDINANCE NO. 2849
PAGE 3

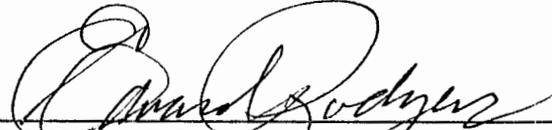
PASSED AND APPROVED on First Reading this 16th day of February, 2000.

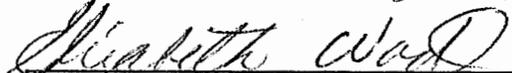
PASSED AND ADOPTED on Second Reading this 1st day of March, 2000.

APPROVED:

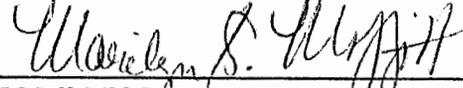

MICHAEL D. BROWN, MAYOR

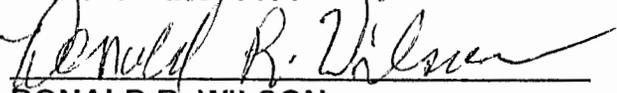
[MUNICIPAL SEAL]


EDWARD RODGERS, CHAIRPERSON


ELIZABETH WADE, CHAIRPERSON PRO-TEM


MARGE CALLAHAN


MARILYN MOFFITT


DONALD R. WILSON
COUNCIL MEMBERS

ATTEST:


CARRIE E. WARD, CMC/AEE
CITY CLERK

FIRST READING

MOTIONED BY:	<u>M. Callahan</u>
SECONDED BY:	<u>M. Moffitt</u>
E. RODGERS	<u>aye</u>
E. WADE	<u>absent</u>
M. CALLAHAN	<u>aye</u>
M. MOFFITT	<u>aye</u>
D. WILSON	<u>aye</u>

SECOND AND FINAL READING

MOTIONED BY:	<u>E. Wade</u>
SECONDED BY:	<u>D. Wilson</u>
E. RODGERS	<u>aye</u>
E. WADE	<u>aye</u>
M. CALLAHAN	<u>aye</u>
M. MOFFITT	<u>aye</u>
D. WILSON	<u>aye</u>

REVIEWED AS TO LEGAL SUFFICIENCY
City Attorney

City of Riviera Beach


Date 3-7-2000

EXHIBIT "A"

LEGAL DESCRIPTION:

Parcel 1

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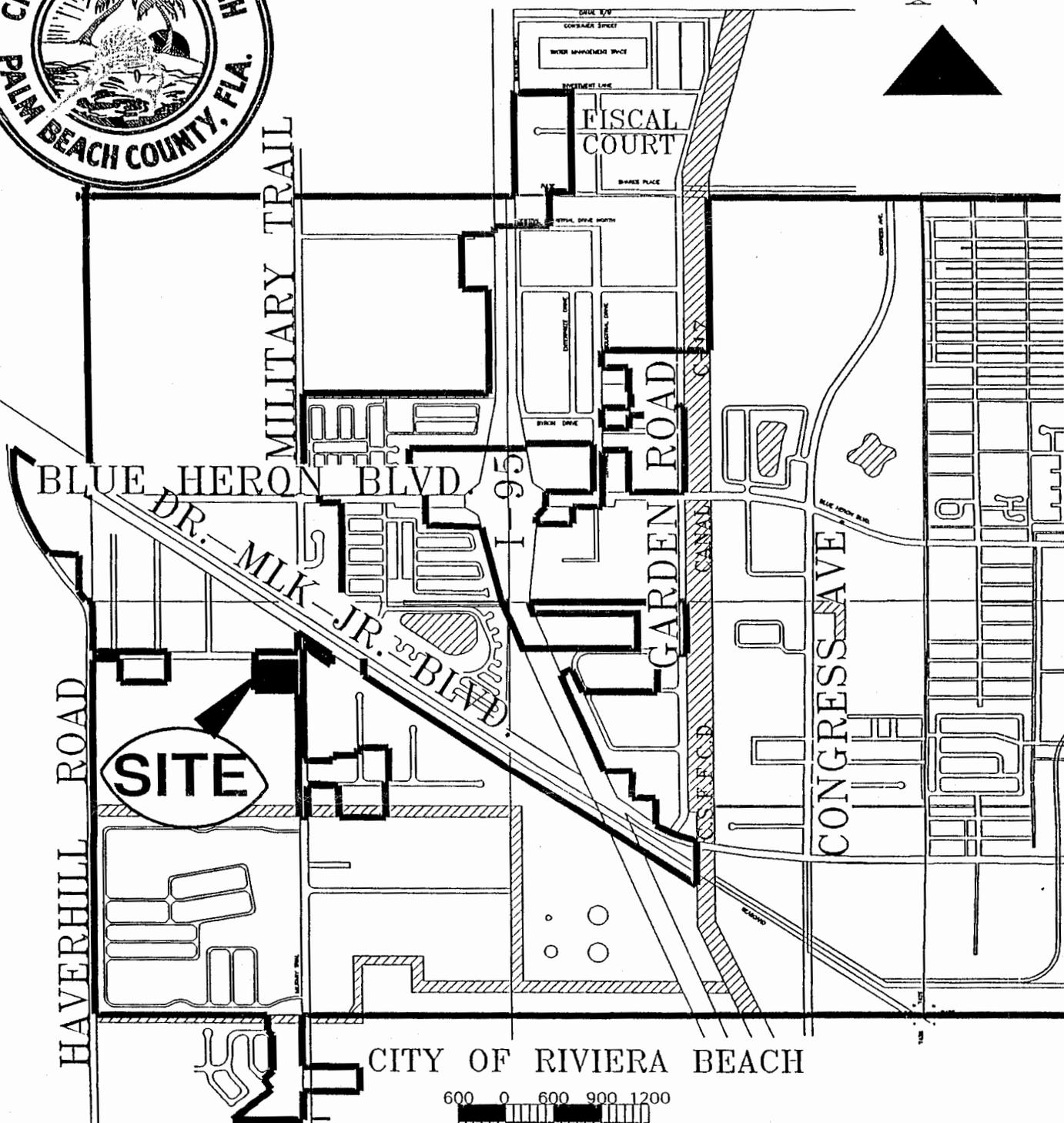
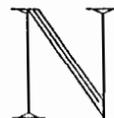
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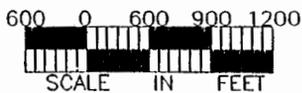
Containing 3.535 acres more or less.



KELLER ANNEXATION



CITY OF RIVIERA BEACH



ORDINANCE NO. 2849
PAGE 4

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by applicable Florida Statutes.

Feb 16, 2000
Date

[Signature]
Carrie E. Ward, CMC/AE, City Clerk

C:\Ordinance\Keller.annex.

STATE OF FLORIDA
COUNTY OF PALM BEACH
CITY OF RIVIERA BEACH

SS.

I, CARRIE E. WARD, CMC/AE, CITY CLERK OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, DO HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF

Ordinance NO. 2849

AS SHOWN IN THE RECORDS OF THE CITY ON FILE IN THE OFFICE OF THE CITY CLERK.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL OF THE CITY OF RIVIERA BEACH, FLORIDA, THIS THE 16 DAY OF March, 2000.

(SEAL)

[Signature]
CARRIE E. WARD, CMC/AE



ORDINANCE NO. 2850

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI OF THE CITY'S CODE OF ORDINANCES BY AMENDING DIVISION 2, ENTITLED "CODE ENFORCEMENT BOARD"; AMENDING SECTION 2-331, ENTITLED "DEFINITIONS"; AMENDING SECTION 2-332, ENTITLED "CREATION; APPLICABILITY; JURISDICTION"; ADDING A NEW SECTION 2-333.1, ENTITLED "SPECIAL MASTER; APPOINTMENT; TERM; QUALIFICATIONS;" AMENDING SECTION 2-334, ENTITLED "POWERS"; ADDING A NEW SECTION 2-334.1, ENTITLED "ASSIGNMENT OF CASES"; AMENDING SECTION 2-335, ENTITLED "ENFORCEMENT PROCEDURES"; AMENDING SECTION 2-336, ENTITLED "CONDUCT OF HEARINGS"; AMENDING SECTION 2-337, ENTITLED "APPEAL"; AMENDING SECTION 2-338, ENTITLED "ADMINISTRATIVE FINES; LIENS"; AND ADDING A NEW SECTION 2-339, ENTITLED "NOTICES"; PROVIDING A SEVERABILITY CLAUSE, A CONFLICT CLAUSE, AND AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach presently has in place a code enforcement board, entitled, "Code Enforcement Board," which enforces certain codes of the City; and

WHEREAS, section 162.03(2), Florida Statutes, provides that a special master may be designated by the local governing body; and

WHEREAS, the City Council of the City of Riviera Beach desires to enforce applicable codes through the use of a Code Enforcement Board or Special Master.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, AS FOLLOWS:

SECTION 1. Division 2 of Article VI of the City's Code of Ordinances is hereby amended to read as follows:

DIVISION 2. CODE ENFORCEMENT BOARD AND SPECIAL MASTER.

Section 2-331. Definitions. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning;

ATTORNEY means the city attorney for the city or the city attorney's ~~or~~ designee. The attorney shall be the legal counsel for the code enforcement board.

CITY PROSECUTOR means the prosecuting attorney before the board or special master.

CODE ENFORCEMENT BOARD means the board or organization organized in accordance with F.S. ch. 162.

CODE ENFORCEMENT OFFICER means an employee of the city whose duty it is to assure code compliance.

SPECIAL MASTER means the person appointed by the city council pursuant to §162.03(2), Florida Statutes.

Section 2-332. Creation; applicability; jurisdiction.

Pursuant to F.S. §162.03, the city council hereby creates the code enforcement board and designates a special master ~~of~~ for the city. The board or the special master shall have authority to hold hearings and assess fines against violators of the city's Code of Ordinances in accordance with the terms and conditions set forth herein and under F.S. ch. 162. The jurisdiction of the Code Enforcement Board or the special master shall not be exclusive. Any alleged violation of the city's Code of Ordinances may be pursued by appropriate remedy in court at the option of the city manager.

Section 2-333. Organization; qualifications of members; terms of office; officers.

(a) The city council shall appoint a seven-member code enforcement board and two alternative members to serve on the board in the absence of board members. The members shall have the following qualifications and terms of office:

- (1) Members of the enforcement board shall be residents of the city. Appointments shall be made in accordance with applicable law and ordinances on the basis of experience and interest in the subject matter jurisdiction of the code enforcement board.
- (2) The membership of the board shall, whenever possible, consist of:
 - a. An architect.
 - b. A businessman.
 - c. An engineer.
 - d. A general contractor.
 - e. A subcontractor.
 - f. A realtor or broker.

(3) No member of the enforcement board may be an employee of the city.

(b) In order that terms of office of all members will not expire at the same time, the initial appointments to the enforcement board shall be as follows:

- (1) Two members shall be appointed for terms of one year.
- (2) Three members shall be appointed for terms of two years.
- (3) Two members shall be appointed for terms of three years.

Thereafter, all appointments shall be made for terms of three years. Any member may be reappointed from term to term upon the approval of the city council.

(c) Appointments to fill any vacancy on the enforcement board shall be for the remainder of the unexpired term of office. Any member who fails to attend two out of three successive meetings without cause and without prior approval of the chairperson or the acting chairperson shall automatically forfeit his appointment and the city council shall promptly fill such vacancy.

(d) Each member of the board shall vote on every motion; however, in the event of a conflict of interest as defined in F.S. §112-311 et seq., Code of Ethics for Public Officers and Employees, such member shall not vote or participate in the discussion of such matter and thereafter, within 15 days after the vote occurs, shall file a disclosure of voting conflict, form 4 with the city clerk, and such disclosure is to be incorporated into the minutes of that meeting.

(e) The members of the enforcement board shall elect a chairperson. The presence of four or more members shall constitute a quorum of the enforcement board. Members shall serve without compensation, but may be reimbursed for such travel expenses, mileage expenses, and per diem expenses as may be authorized by the city council.

(f) The members shall serve in accordance with the Code of Ordinances and may be removed or suspended for cause as provided in such ordinance for the removal of members of the board.

(Code 1957, §2-36.3)

Section 2-333.1 Special Master; appointment; term; qualifications.

(a) There is hereby established a special master who shall be designated by the City Council of the City of Riviera Beach.

(b) The special master may be appointed for a term not to exceed two (2) years.

(c) The special master shall be an attorney and a member of the Florida Bar.

(d) The special master may be removed from office by the city council with thirty (30) days written notice.

(e) The special master shall preside over code enforcement matters once a month, or more often if necessary.

(f) Minutes shall be maintained at all hearings presided over by the special master; all hearings shall be open to the public. The city shall provide clerical and administrative personnel as may be required by the special master for the proper performance of the special master's duties.

(g) The city prosecutor shall represent the city by presenting cases before the special master.

Section 2-334. Powers

The enforcement board and the special master shall jointly have the power to:

- (1) Adopt rules for the conduct of its hearings.
- (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the city's police department or by code ~~inspector~~ enforcement.
- (3) Subpoena evidence.
- (4) Take testimony under oath.
- (5) Admit material into evidence.
- (6) Issue orders having the force of law commanding whatever steps are necessary to bring violation into compliance.

(Code 1957, §2-36.4)

Section 2-334.1 Assignment of Cases

Cases shall be assigned to the code enforcement board or to the special master by the city manager or the city manager's designee.

Section 2-335. Enforcement procedures.

(a) It shall be the duty of the ~~code inspector~~ code enforcement officer to initiate enforcement procedures of the various codes; however, no member of the board nor the special master shall have the power to initiate such enforcement proceedings.

(b) Except as provided in subsection (c) and (d) of this section, if a violation of the codes is found, the code ~~inspector~~ enforcement officer shall notify the violator and give such violator a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction in the notice of violation, the code ~~inspector~~ enforcement officer shall notify the enforcement board or special master and request a hearing. Written notice of hearing before the board or special master shall be hand delivered or mailed to such violator as provided herein.

(c) If the code ~~inspector~~ enforcement officer has reason to believe a violation presents a serious threat to the public health, safety and welfare or if the violation is irreparable or irreversible in nature, the code ~~inspector~~ enforcement officer shall make a reasonable effort to notify the violator, and may immediately notify the enforcement board or special master ~~to~~ and request a hearing.

(d) If a repeat violation is found, the code ~~inspector~~ enforcement officer shall notify the violator, but is not required to give the violator a reasonable time to correct the violation. The code ~~inspector~~ enforcement officer, upon notifying the violator of a repeat violation, shall notify the enforcement board or special master and request a hearing. The code enforcement board or special master, through its clerical staff, shall schedule a hearing and shall provide notice ~~pursuant to section 2-336.~~ of such hearing as provided herein. The case may be presented to the enforcement board or special master even if the repeat violation has been corrected prior to the ~~board~~ hearing, and the notice shall so state. A repeat violation is defined as a violation of the provisions of the Code of Ordinances by a person who has been previously found to have violated the same provision within five (5) years prior to this violation.

(e) If the owner of property which is subject to an enforcement proceeding before the enforcement board, special master, or court transfers ownership of such property between the time the initial pleading or notice of violation was served and the time of the hearing, such owner shall:

- (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
- (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
- (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
- (4) File a notice with the court or with code enforcement of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five (5) days after the date of the transfer.

Section 2-336. Conduct of hearings.

- (a) The chairperson of the enforcement board may ~~call~~ schedule hearings of the enforcement board, and hearings may also be ~~called~~ scheduled by written notice signed by at least three members of the enforcement board. The special master, through clerical staff, shall schedule hearings as provided herein. Minutes shall be kept of all hearings, ~~by the enforcement board~~ and all hearings shall be open to the public.
- (b) ~~The office of the city clerk is designated as the department~~ The City Manager shall designate a department to provide such clerical and administrative personnel as may be reasonably required by the enforcement board or special master for the proper performance of ~~its~~ their duties, to keep all records of the board or special master, and to collect fines when assessed. ~~and collected.~~

- (c) Each case before the enforcement board or special master shall be presented by the city prosecutor or by a member of the administrative staff of the city.
- (d) The enforcement board or special master shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The enforcement board or special master shall take testimony from the code ~~inspector~~ enforcement officer, the alleged violator and all other material witnesses. Physical evidence may be admitted into evidence by the board or special master. Formal rules of evidence shall not apply; however, fundamental due process shall be observed and govern such proceedings. Enforcement board members or the special master may ask questions of any witness testifying at the hearing or call any witness deemed necessary to provide a full and fair hearing of the case.

At the hearing the burden of proof shall be upon the city to show by competent, substantial evidence that a violation did occur, or does exist, or has been repeated. If proper notice of hearing has been given to the violator, either as actual notice or as provided herein, a hearing may proceed in the absence of the violator.

- (e) At the conclusion of the ~~enforcement board~~ hearings, the enforcement board or special master shall issue findings of fact based on evidence of record and conclusions of law, and shall issue a written order affording the relief consistent with powers granted herein. In the case of the enforcement board, the findings and conclusions shall be by motion approved by a majority of those present and voting, except that at least four members of the enforcement board must vote for the action to be official. The order issued by the enforcement board or by the special master shall be stated orally at the hearing, and shall be reduced to writing and sent by certified mail to the violator within ten (10) working days after the hearing. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed if the order is not complied with by such date.
- (f) A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchaser, successor in interest or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the enforcement board or special master shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue an order acknowledging compliance.

(Code 1957, §236.6)

Section 2-337. Appeal

An aggrieved party, including the City of Riviera Beach, may appeal a ruling or written order of the enforcement board or special master by certiorari to the circuit court

of the 15th Judicial Circuit in and for the county. An appeal shall be filed within 30 days of the execution of the written order to be appealed.

(Code 19587, 2-36.7)

Section 2-338. Administrative fines; liens.

(a) The code enforcement board or special master, upon notification by the code ~~inspector~~ enforcement officer that an order of the enforcement board or special master has not been complied with by the set time or, upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the enforcement board or special master for compliance or, in the ~~days~~ case of a repeat violation, for each day the repeat violation continues past the date of notice of the violator of the repeat violation. If a finding of a violation or a repeat violation has been made as provided ~~in this subsection herein~~, a hearing shall not be necessary for issuance of the order imposing the fine.

(b) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation. In determining the amount of the fine, if any, the enforcement board or special master shall consider the following factors:

- (1) The gravity of the violation;
- (2) Any actions taken by the violator to correct the violation; and
- (3) Any previous violation committed by the violator.

(c) ~~A~~ The enforcement board or special master may reduce a fine imposed pursuant to this section.

(d) A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order ~~may be enforced~~ shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. A lien arising from a fine pursuant to this section runs in favor of the city and the city may execute a satisfaction or release of lien entered pursuant to this section. After three months from the filing of any such lien which remains unpaid, the enforcement board or special master may authorize the ~~local governing body~~ city attorney to foreclose on the lien. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under section 4, article X of the state constitution.

(e) No lien provided under the Local Government Code Enforcement Boards Act shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorneys'

fee, that incurs in the foreclosure. The continuation of the lien affected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

(Code 1957, §2-36.8)

Section 2-339. Notices

(a) All notices shall be provided to the alleged violator by:

(1) certified mail, return receipt requested, provided if such notice is sent under this paragraph to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to the city by such owner and is returned as unclaimed or refused, notice may be provided by posting as described below, and by first class mail directed to the addresses furnished to the city with a properly executed proof of mailing or affidavit confirming the first class mailing;

(2) hand delivery by the code enforcement officer or police officer;

(3) leaving the notice at the violator's usual place of residence with any person residing therein who is over the age of fifteen (15) and informing such person of the contents of the notice; or

(4) in the case of commercial premises, leaving the notice with the manager or other person in charge.

(b) In addition to providing notice as set forth in subsection (a), at the option of code enforcement board or the special master, notice may also be served by posting as follows:

(1) Notice may be posted at least ten (10) days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other shall be at city hall.

(2) Notice by posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (a).

(3) Evidence that an attempt has been made to hand deliver or mail as provided in subsection (a), together with proof of posting as provided in this section, shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

SECTION 2. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of

Ordinances of the City of Riviera Beach, and the sections of this ordinances may be renumbered to accomplish such intentions.

SECTION 3. If any word, phrase, clause, subsection, or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

SECTION 4. All sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.

SECTION 5. Specific authority is hereby granted to codify this Ordinance.

SECTION 6. That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

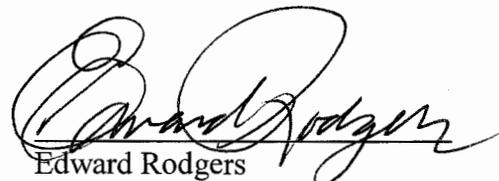
PASSED and APPROVED on first reading this 16th day of February, 2000.

PASSED and APPROVED on second and final reading this 1st day of March, 2000.

APPROVED:



Michael D. Brown
Mayor



Edward Rodgers
Chairperson

(Municipal Seal)

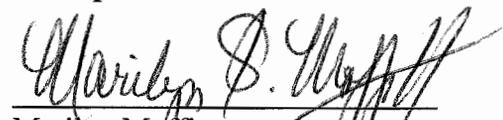


Elizabeth K. Wade
Chairperson Pro Tem

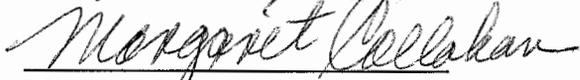
Attest:



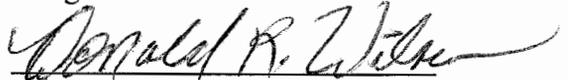
Carrie E. Ward
City Clerk, CMC/AAE



Marilyn S. Moffitt



Margaret Callahan



Donald R. Wilson
Council Members

REVIEWED AS TO LEGAL SUFFICIENCY

BY: _____
INTERIM CITY ATTORNEY

CITY OF RIVIERA BEACH, FLORIDA

DATE: _____

MOTIONED BY: M. Moffitt E. Wade

SECONDED BY: D. Wilson D. Wilson

1st Reading

2nd & Final Reading

E. Rodgers aye aye

E. Wade aye aye

M. Moffitt aye aye

M. Callahan aye aye

D. Wilson aye aye

\\LVR\VOL1\F4000\4783\0004\ORDINAN.DOC

Ordinance No. 2851

An ordinance of the City of Riviera Beach, Palm Beach County, Florida, amending Chapter 14, Article IV, section 14-77 by adding subsection (f) of the Code of Ordinances of the City of Riviera Beach relating to the Police Officers' Pension Plan; providing for a deferred retirement option program (DROP); providing for a repealer; providing for a savings clause; providing for codification; providing for an effective date.

Tabled April 5, 2000

Tabled for 2 weeks

ORDINANCE NO. 2857

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 14, ARTICLE IV, SEC. 14-77 OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCE, RELATING TO POLICE OFFICERS' PLAN, PER SECTION 14-77, RELATING TO OPTIONAL FORMS OF RETIREMENT INCOME AS SET FORTH HEREIN BELOW: BY ADDING SECTION (2) OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE POLICE OFFICERS' PENSION PLAN; PROVIDING FOR A DEFERRED RETIREMENT OPTION PROGRAM (DROP); PROVIDING FOR A REPEALER; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Administration Board of the Police Officers' Pension Plan has recommended and approved amendments to the existing Code to provide improved benefits for participants of the plan; and

WHEREAS, the Police Officers' Pension Plan's actuary has prepared a Statement of Actuarial Impact, which the City Council has received and considered; and

WHEREAS, the City Council deems it to be in the public interest to provide a pension plan for its employees.

NOW, THEREFORE, THE CITY OF RIVIERA BEACH HEREBY ORDAINS:

Section 1. That Chapter 14, Article IV, Section 14-77 of the City of Riviera Beach Code is hereby amended by adding the following underlined words as subsection (f):

Sec. 14-77. Optional forms of retirement income.

(f) Deferred Retirement Option Program (DROP). In general, and subject to the provisions of this section, the Board of Trustees of the Police Officer's Pension Fund is authorized to establish and maintain a Deferred Retirement Option Program, hereinafter referred to as DROP. The DROP is a program under which an eligible member of the retirement system may elect to participate, by deferring receipt of retirement benefits while continuing employment with the city.

Upon termination of employment, the participant shall begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP.

(1) Eligibility of member to participate in the DROP. All retirement system members are eligible to elect participation in the DROP on or after attaining their normal retirement date or age provided that election to participate is made within five (5) years after the member first reaches their normal retirement date or age. The member shall advise the city and the retirement system in writing of the date on which the DROP shall begin.

(2) Participation in the DROP.

(A) An eligible member may elect to participate in the DROP for a period not to exceed a maximum of sixty (60) consecutive months or beyond a total of thirty (30) years of credited service. Any member who has exceeded the sixty (60) month or thirty (30) year limitations shall not be eligible to continue participation in the DROP.

(B) Upon deciding to participate in the DROP, the member shall submit on forms required by the retirement system:

(i) A written election to participate in the DROP.

(ii) Selection of the DROP participation and termination dates, which satisfy the limitations stated in paragraph (1) and subparagraph (2)(A). Such termination date shall be in an irrevocable and binding letter of resignation with the city, establishing a deferred termination date. The member may terminate before the termination date within the limitations of subparagraph (2)(A), but only with advance written notice to the city.

- (iii) A properly completed DROP application for service retirement as provided in this section.
 - (iv) A written election of form of pension payment, pursuant to Section 14-77 of this Article.
 - (v) Any other information required by the Pension Plan's Board of Trustees.
 - (C) The DROP participant shall be retired under the Pension Plan for all purposes except that payment of benefits shall be deferred until separation from city employment.
 - (D) A re-employed participant with renewed membership shall not be eligible for DROP participation.
- (3) Benefits payable under the DROP.
 - (A) Effective with the date of DROP participation, the member's initial normal monthly benefit, including the value of accrued unused leave, credited service, and final average compensation, shall be fixed. The value of accrued unused leave, whether or not payment for such is actually received by the participant, shall be included in the calculations to determine said normal monthly benefit. Such retirement benefit shall accrue monthly to the participant's individual DROP account. An individual DROP account shall be administered as a self-directed account by a Board of Trustees designated investment manager. On entering the DROP, each participant shall enter into an individual, self-directed administration/management agreement with the investment manager designated by the Board of Trustees. The DROP account shall accrue interest at a rate set by the self-directed administration/management agreement entered into by each individual participant. The DROP account shall be subject to any fees or charges provided in the self-directed administration/management agreement entered into by each individual participant.

- (B) The effective date of retirement of a DROP participant shall be the first day of the month selected by the member to begin participation in the DROP.
- (C) Normal retirement benefits shall continue to accrue in the DROP until the established termination date of the DROP, or until the participant terminates employment or dies prior to such date. A separate accounting of each participant's accrued benefits under the DROP shall be calculated and on request, be available to participants annually.
- (D) At the conclusion of the participant's DROP, the pension plan shall direct that the participant's total accumulated DROP benefits be distributed, subject to the following provisions:
 - (i) The retirement system shall receive verification from the city that the participant has terminated employment.
 - (ii) The terminated DROP participant or if deceased, such participant's named beneficiary, shall elect on forms provided by the pension plan to receive payment of the DROP benefits in accordance with one of the options listed below. For a participant or beneficiary who fails to elect a method of payment within 60 days of termination of the DROP, the retirement system shall direct that a lump sum be distributed as provided in (I).
 - (I) Lump sum. All accrued DROP benefits, plus interest, less withholding taxes remitted to the Internal Revenue Service, shall be paid to the DROP participant or surviving beneficiary.
 - (II) Direct rollover. All accrued DROP benefits, plus interest, shall be paid from the DROP directly to the custodian of an eligible retirement plan as defined in Section 402(c)(8)(B) of the Internal Revenue Code.

However, in the case of an eligible rollover distribution to the surviving spouse of a deceased participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in Section 402(c)(9) of the Internal Revenue Code.

- (III) Partial lump sum. A portion of the accrued DROP benefits shall be paid to the DROP participant or surviving spouse, less withholding taxes remitted to the Internal Revenue Service, and the remaining DROP benefits shall be transferred directly to the custodian of an eligible retirement plan as defined in Section 402(c)(8)(B) of the Internal Revenue Code.

However, in the case of an eligible rollover distribution to the surviving spouse of a deceased participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in Section 402(c)(9) of the Internal Revenue Code. The proportions shall be specified by the DROP participant or surviving beneficiary.

- (iii) The form of payment selected by the DROP participant or surviving beneficiary complies with the minimum distribution requirements of the Internal Revenue Code and payments begin no later than the date on which the participant reaches age 70 years and 6 months. Regardless of the form of payout, a participant's DROP account continues until the account balance is exhausted.

- (iv) For a DROP participant who fails to terminate city employment at the expiration of the 60-month maximum DROP participation period or the thirty (30) credited service maximum: the member shall be deemed not to be retired, the DROP election shall be null and void, and the member shall have no accumulated DROP benefits.

Retirement system membership shall be reestablished retroactively to the date of the commencement of the DROP, and the member shall be required to pay to the retirement system the member contributions as if the participant had continued service to the city, and the city contributions during the period the member participated in the DROP, plus an interest rate equal to the annual assumed investment return during each year the member participated in the DROP.

(E) The accrued benefits of any DROP participant, and any contributions accumulated under such program, shall not be subject to assignment, execution, attachment, or to any legal process whatsoever, except for qualified domestic relations orders of a court of competent jurisdiction, income deduction orders as provided in s. 61.1301, Florida Statutes and federal income tax levies.

(F) DROP participants shall not be eligible for disability retirement benefits as provided in Sections 14-79 and 14-80 of this Article, and the participant's beneficiaries and survivors shall not be eligible for the automatic survivor pension, death in the line of duty pension, or survivor pension as provided respectively in Sections 14-83 of this Article.

(4) Death benefits under the DROP.

(A) Upon the death of a DROP participant, the named beneficiary shall be entitled to apply for and receive the accrued benefits in the DROP as provided in this Section.

(B) The normal retirement benefit accrued to the DROP during the month of a participant's death shall be the final monthly benefit credited for such DROP participant.

(C) Eligibility to participate in the DROP terminates upon death of the participant. If the participant dies on or after the effective date of enrollment in the DROP, but prior to the first monthly benefit being credited to the DROP, pension plan benefits shall be paid as though the DROP election had not been made.

(5) Contributions.

(A) Member contributions shall not be made, due, or payable during a participant's DROP participation, notwithstanding any other section of this Article.

(B) The city shall not pick up member contributions for a DROP participant during the participant's DROP participation; notwithstanding any other section of this Article, but instead shall be paid to the DROP participant as wages or salary.

(6) Forfeiture of retirement benefits.

Nothing in this section shall be construed to remove DROP participants from the scope of Section 8(d), Art. II of the State Constitution, and Section 112.3173, Florida Statutes, DROP participants who commit a specified felony offense while employed will be subject to forfeiture of all retirement benefits, including DROP benefits, pursuant to those provisions of law.

(7) Administration of program.

The board of trustees shall make such rules as are necessary for the effective and efficient administration of this subsection and designate an investment manager to administer the self-directed individual DROP accounts. The retirement system shall not be required to advise members of the federal tax consequences of an election related to the DROP but may advise members to seek independent advice.

Section 2. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 3. If any word, phrase, clause, subsection, or sections of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not effect the validity of any remaining portions of this ordinance.

Section 4. Specific authority is hereby granted to codify this ordinance.

ORDINANCE NO. _____
PAGE - 8 -

Section 5. That this ordinance shall be in full force and effective
on the ____ day of _____, 2000.

PASSED AND APPROVED on first reading this _____ day of
_____, 2000.

PASSED AND ADOPTED on second and final reading this ____ day
of _____, 2000.

APPROVED:

MICHAEL D. BROWN
MAYOR

EDWARD D. RODGERS
CHAIRPERSON

MUNICIPAL SEAL

ELIZABETH K. WADE
CHAIRPERSON PRO TEM

ATTEST:

SYLVIA L. BLUE
COUNCIL MEMBER

CARRIE E. WARD, CMC/AE
CITY CLERK

DAVID G. SCHNYER
COUNCIL MEMBER

DONALD R. WILSON
COUNCIL MEMBER

ORDINANCE NO. _____

PAGE - 9 -

Motioned by: _____
Seconded by: _____

Motioned by: _____
Seconded by: _____

1st Reading

2nd Reading

E. RODGERS _____

E. WADE _____

S. BLUE _____

D. SCHYNER _____

D. WILSON _____

ORDINANCE NO. _____
PAGE - 10 -

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

DATE

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

Reviewed as to legal sufficiency:

**City Attorney
City of Riviera Beach**

ORDINANCE NO. 2852

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING CHAPTER 14, ARTICLE IV, OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO POLICE OFFICERS' PENSION PLAN; FOR SECTION 14-85 RELATING TO PAYMENT OF MEMBER CONTRIBUTIONS; PAST CONTINUOUS SERVICE; LUMP PAYMENT BY EMPLOYEES DESIRING TO PURCHASE PRIOR SERVICE; PROVIDING FOR A REPEALER; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Administration Board of the Police Officers' Pension Plan has recommended and approved amendments to the existing Code to comply with after a workshop meeting evaluating recent legislative actions by the Florida Legislature; and

WHEREAS, the Administration Board of the Police Officers' Pension Plan has reviewed and applied a specific interpretation concerning the purchase of prior service; and

WHEREAS, the Police Officers' Pension Plan's actuary has prepared a Statement of Actuarial Impact, which the City Council has received and considered; and

WHEREAS, the City Council deems it to be in the public interest to ensure financial soundness of the Police Officers' Pension Plan.

NOW, THEREFORE, THE CITY OF RIVIERA BEACH HEREBY ORDAINS:

Section 1. That Section 14-85 of Article IV, Chapter 14 of the Riviera Beach Code is hereby amended by adding the following underlined words:

Sec. 14-85. **Payment of member contributions; past continuous service.**

Application may be made by any employee who has completed one or more years of continuous past service to purchase retirement credit for a part or all of the employee's continuous past service by paying into the pension fund an amount equal to the actual cost of the contributions that the

employee would otherwise have paid for such continuous past service, plus interest. If such application is made within twelve (12) months of being re-employed by the City the required interest rate shall be equal to the actual interest earned by the pension fund during that period of past service but shall not exceed seven and one-half percent (7.5%). (If such application is made after said twelve (12) month period the interest rate shall be equal to the actual interest, without any such cap, earned by the pension fund during that period of past service). Such amount shall be repaid to the pension fund either in a lump sum or by installment payments by way of payroll deduction, at the election of the employee. If the repayment is not made in a lump sum, the employee shall repay such amount by installment payments over a period not to exceed five (5) years from the date the employee's application is submitted, with a fixed simple interest rate being calculated based on the pension fund's actuarially assumed investment return in effect at the time the application is submitted. Any employee who desires to purchase retirement credit more than sixty (60) days after final adoption of this section must repay at least one-third of the actual cost of the contributions in a lump sum. Continuous past service shall be credited to the employee each year on a prorata basis based on the amount repaid.

Section 2. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 3. If any word, phrase, clause, subsection or sections of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not effect the validity of any remaining portions of this ordinance.

Section 4. Specific authority is hereby granted to codify of this ordinance.

Section 5. That this ordinance shall be in full force and effective on adoption.

ORDINANCE NO. 2852
PAGE - 3 -

PASSED AND APPROVED on first reading this 5TH day of
APRIL, 2000.

PASSED AND ADOPTED on second and final reading this 19TH day
of APRIL, 2000.

APPROVED:



MICHAEL D. BROWN
MAYOR



EDWARD D. RODGERS
CHAIRPERSON

MUNICIPAL SEAL

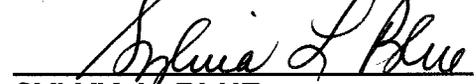


ELIZABETH K. WADE
CHAIRPERSON PRO TEM

ATTEST:



CARRIE E. WARD, CMC/AE
CITY CLERK



SYLVIA L. BLUE
COUNCIL MEMBER



DAVID G. SCHNYER
COUNCIL MEMBER



DONALD R. WILSON
COUNCIL MEMBER

ORDINANCE NO. 2852
PAGE - 4 -

Motioned by: E. WADE
Seconded by D. WILSON

Motioned by: E. Wade
Seconded by S. Blue

1st Reading

2nd Reading

E. RODGERS AYE

aye

E. WADE AYE

aye

S. BLUE AYE

aye

D. SCHYNER AYE

aye

D. WILSON AYE

aye

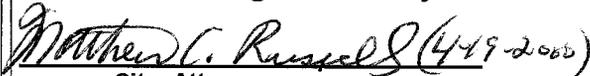
CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

DATE

CARRIE E. WARD, CMC/AE
CITY CLERK

Reviewed as to legal sufficiency


City Attorney
City of Riviera Beach

ORDINANCE NO. 2853

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 14, ARTICLE IV OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO POLICE OFFICERS' PENSION PLAN BY AMENDING SECTION 14-72(3) DEFINITIONS PROVIDING COMPLIANCE WITH STATE STATUTE DEFINITIONS OF ENROLLED ACTUARY, POLICE OFFICER AND SALARY; SECTIONS 14-73(b) AND 14-74 (2) (CITY CONTRIBUTIONS) PROVIDING FOR THIRTY YEAR AMORTIZATION OF NEW BENEFITS IN COMPLIANCE WITH STATE STATUTES; SECTION 14-74(3) PROVIDING DEPOSIT OF EMPLOYEE CONTRIBUTIONS TO THE PENSION FUND EACH PAY PERIOD IN COMPLIANCE WITH STATE STATUTES; SECTION 14-75(j) AND (l) PROVIDING MEETING NOTICE AND SECRETARIAL DUTIES IN COMPLIANCE WITH STATE STATUTES; SECTION 14-77(a) PROVIDING FOR THE DELETION OF THE SUBMISSION OF EVIDENCE OF GOOD HEALTH; SECTION 14-77 (a)(2) PROVIDING FOR AN ADDITIONAL JOINT PENSIONER OPTIONAL BENEFIT OF SEVENTY-FIVE PERCENT IN COMPLIANCE WITH STATE STATUTES; SECTION 14-79(c) PROVIDING FOR AN EXPANDED MEDICAL BOARD TO REVIEW APPLICATIONS FOR DISABILITY BENEFITS TO GIVE THE BOARD OF TRUSTEES MORE DISCRETION IN MAKING THEIR DETERMINATIONS; AND SECTION 14-82 PROVIDING FOR AN INCREASE IN THE DOLLAR AMOUNTS REQUIRED TO MAKE A LUMP SUM BENEFIT DISBURSEMENT; PROVIDING FOR A REPEALER; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Administration Board of the Police Officers' Pension Plan has recommended and approved amendments to the existing Code to comply with recent legislative actions by the Florida Legislature; and

WHEREAS, the Police Officers' Pension Plan's actuary has prepared a Statement of Actuarial Impact, which the City Council has received and considered; and

WHEREAS, the City Council deems it to be in the public interest to ensure compliance with existing State legislation.

NOW, THEREFORE, THE CITY OF RIVIERA BEACH HEREBY ORDAINS:

Section 1. That Section 14-72(3) of Article IV, Chapter 14 of the Riviera Beach Code is hereby amended by adding the following underlined words and deleting the following ~~stricken-through~~ words:

Enrolled Actuary means an actuary who is enrolled under Subtitle C of Title III of the Employee Retirement Income Security Act of 1974 and who is a member of the Society of Actuaries or the American Academy of Actuaries and meets the requirements of Section 185.06(5), F. S.

Police Officer means any person who is elected, appointed or employed full-time by the city who is certified or required to be certified as a law enforcement officer in compliance with F. S. §§ 943.14 and 185.02(11), who is vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers or auxiliary law enforcement officers as the same are defined in F. S. §§ 943.10(56) and 943.10(7), respectively. Provided, that the Chief of Police shall have the option of declining to participate in this pension plan. The exercise of said option shall be within ninety (90) days of initial employment and shall be irrevocable.

Salary and compensation mean the total cash remuneration paid to a police officer for services rendered, and shall include those items as have been included as compensation in accordance with past practice and F. S. § 185.02(4).

Section 2. That Section 14-73(b) of Article IV, Chapter 14 of the Riviera Beach Code is hereby amended by adding the following underlined words and deleting the following ~~stricken-through~~ words:

(b) The city director of finance shall withdraw from the general fund of the city and shall deliver to the pension fund a sum which, together with the contributions from the police officers and the amount derived from the premium tax provided in F. S. ch. 185 and other income sources as authorized by law, shall be sufficient to meet the normal cost of the pension fund and to fund the actuarial deficiency over a period of not longer than forty (40) years for initial benefits and not longer than thirty (30) years for added benefits. These payments shall be made at least quarterly throughout the fiscal year of the city with the first payment due prior to December 31 each year.

Section 3. That Sections 14-74(2) and (3) of Article IV, Chapter 14 of the City of Riviera Beach Code are hereby amended by adding the following underlined words and deleting the following ~~stricken-through~~ words:

(2) *City contributions.* The city shall contribute to the pension fund annually an amount which, together with the contributions from the police officers and the amount derived from the premium tax provided in F. S. ch. 185 and other income sources as authorized by law, shall be sufficient to meet the normal cost of the pension fund and to fund the actuarial deficiency over a period of not longer than forty (40) years for initial benefits and not longer than thirty (30) years for added benefits. These payments shall be made at least quarterly.

(3) *Employees' contributions.* Employees shall contribute eight percent of their salary to the pension fund ~~at least monthly to be deposited into the fund~~ each pay period.

Section 4. That Sections 14-75(j) and (l) of Article IV, Chapter 14 of the Riviera Beach Code are hereby amended by adding the following underlined words and deleting the following ~~stricken-through~~ words:

(j) At least once every three years, the board of trustees shall, in accordance with Section 185.06(5)(a), F. S., retain an independent consultant professionally qualified to evaluate the performance of professional money managers. The independent consultant shall make recommendations to the board of trustees regarding the selection of money managers for the next investment term. These recommendations shall be considered by the board of trustees at its next regularly scheduled meeting. The date, time, place and subject of this meeting shall be advertised in a newspaper of general circulation in the city ~~at least ten days prior to the date of the hearing~~ the same manner as for any meeting of the board of trustees.

(l) The secretary of the board of trustees shall, in accordance with Section 185.06(3), F.S., keep a record of all persons enjoying a pension under the provisions of this article, in which it shall be noted the time when the pension is allowed and when the same shall cease to be paid. In this book the secretary shall keep a record of all police officers employed by the city and a record shall be kept in such manner as to show the name, address, and time of employment of such police officer and when such police officer ceased to be employed by the city.

Section 5. That Sections 14-77(a) and (a)(2) of Article IV, Chapter 14 of the Riviera Beach Code are hereby amended by adding the following underlined words and deleting the following ~~stricken-through~~ words:

(a) In lieu of the amount and form of retirement income payable in the event of normal or early retirement as specified in this article, a police officer, upon written request to the board of trustees and ~~submission of evidences of good health (except that such evidence will not be required if such request is made at least three years prior to the date of commencement of retirement income or if such request is made within six months following the effective date of this article, if later) and~~ subject to the approval of the board of trustees, may elect to receive a retirement income or benefit of equivalent actuarial value payable in accordance with one of the following options:

(2) A retirement income of a modified monthly amount, payable to the police officer during the joint lifetime of the police officer and a joint pensioner designated by the police officer, and following the death of either of them, 50 percent, 75 percent, or 66 2/3 percent of 100 percent of such monthly amount payable to the survivor for the lifetime of the survivor.

Section 6. That Section 14-79(c) of Article IV, Chapter 14 of the Riviera Beach Code is hereby amended by adding the following underlined words and deleting the following ~~stricken-through~~ words:

(c) No police officer shall be permitted to retire under the provisions of this section until examined by a duly qualified physician, psychologist, or surgeon, or other medical, vocational, and rehabilitation professionals to be selected by the board of trustees for that purpose, and is found to be disabled in the degree and in the manner specified in this section. Any police officer retiring under this section shall be examined periodically and by a duly qualified physician, psychologist, or surgeon or other medical, vocational, and rehabilitation professionals or board of physicians, psychologists, and surgeons or other medical, vocational, and rehabilitation professionals to be selected by the board of trustees for that purpose, to determine if such disability has ceased to exist.

Section 7. That Section 14-82 of Article IV, Chapter 14 of the Riviera Beach Code is hereby amended by adding the following underlined words and deleting the following ~~stricken-through~~ words:

Notwithstanding any provision of this article to the contrary, if the monthly retirement income payable to any person entitled to benefits hereunder is less than ~~\$30.00~~100.00 or if the single sum value of the accrued retirement income is less than ~~\$750.00~~2500.00 as of the date of retirement or termination of service, whichever is applicable, the board of trustees, in the exercise of its discretion, may specify that the actuarial equivalent of such retirement income be paid in a lump sum.

Section 8. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 9. If any word, phrase, clause, subsection or sections of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not effect the validity of any remaining portions of this ordinance.

Section 10. Specific authority is hereby granted to codify of this ordinance.

Section 11. That this ordinance shall be in full force and effective in accordance with Chapter 185 of the Florida Statutes.

PASSED AND APPROVED on first reading this 5TH day of APRIL, 2000.

PASSED AND ADOPTED on second and final reading this 19TH day of APRIL, 2000.

APPROVED:


MICHAEL D. BROWN
MAYOR

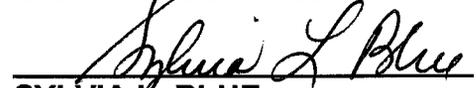

EDWARD D. RODGERS
CHAIRPERSON

MUNICIPAL SEAL


ELIZABETH K. WADE
CHAIRPERSON PRO TEM

ATTEST:


CARRIE E. WARD, CMC/AE
CITY CLERK


SYLVIA E. BLUE
COUNCIL MEMBER


DAVID G. SCHNYER
COUNCIL MEMBER


DONALD R. WILSON
COUNCIL MEMBER

Motioned by: E. WADE
Seconded by S. BLUE

Motioned by: E. Wade
Seconded by S. Blue

1st Reading

2nd Reading

E. RODGERS AYE

aye

E. WADE AYE

aye

S. BLUE NAY

aye

D. SCHYNER NAY

aye

D. WILSON AYE

aye

ORDINANCE NO. 2853
PAGE - 8 -

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

April 5, 2000
DATE

C. E. Ward
CARRIE E. WARD, CMC/AE
CITY CLERK

Reviewed as to legal sufficiency

Matthew C. Russell (4-5-2000)
City Attorney
City of Riviera Beach

ORDINANCE NO. 2854

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP IN THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN BY ASSIGNING THE FUTURE LAND USE DESIGNATION OF "COMMERCIAL" ON 1.48 ACRES OF PROPERTY LOCATED AT 6831 N. MILITARY TRAIL AND "INDUSTRIAL" ON 2.06 ACRES OF PROPERTY LOCATED AT 4574 DYER BOULEVARD; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE FUTURE LAND USE MAP; AND PROVIDING AND EFFECTIVE DATE.

WHEREAS, Florida Statutes Chapter 163.3187 provides procedures to amend the adopted Comprehensive Plan; and

WHEREAS, the subject property is currently assigned Palm Beach County "Industrial" land use on the Future Land Use Map; and

WHEREAS, on March 9, 2000, the Planning and Zoning Board sitting as the Local Planning Agency, reviewed the proposed change from Palm Beach County "Industrial" to the City of Riviera Beach "Commercial" for property located at 6831 N Military Trail and "Industrial" for property located at 4574 Dyer Boulevard, and forwarded a recommendation to the City Council; and

WHEREAS, the City Council sitting as the Local Governing Body conducted a Public Hearing and first reading of this ordinance; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

Section 1. The Future Land Use Map in the Riviera Beach Comprehensive Plan is hereby amended to assign the Riviera Beach "Commercial" Future Land Use Map Designation to the property located at 6831 N Military Trail with legal description being Parcel 1 in Exhibit "A".

Section 2. The Future Land Use Map in the Riviera Beach Comprehensive Plan is hereby amended to assign the Riviera Beach "Industrial" Future Land Use Map Designation to the property located at 4574 Dyer Boulevard with legal description being Parcel 2 in Exhibit "A".

Section 3. The Director of Community Development is hereby authorized and directed to amend the City's Future land Use Map by the appropriate means of designating all changes described by the Ordinance.

Section 4. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of the Ordinance.

Section 5. The effective date for the enactment of this Ordinance shall be thirty-one (31) days after the adoption hearing.

PASSED AND APPROVED on First Reading this 5TH day of APRIL 2000.

PASSED AND ADOPTED on Second Reading this 19TH day of APRIL 2000.

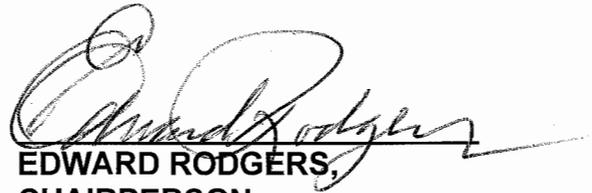
APPROVED:

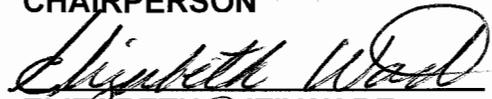

MICHAEL D. BROWN, MAYOR

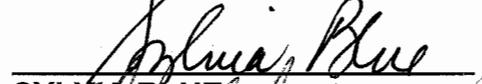
[MUNICIPAL SEAL]

ATTEST:

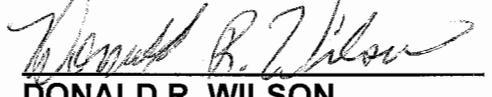

CARRIE E. WARD, CMC/AE
CITY CLERK


EDWARD RODGERS,
CHAIRPERSON


ELIZABETH "LIZ" WADE,
CHAIRPERSON PRO-TEM

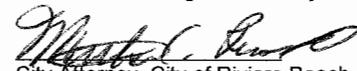

SYLVIA BLUE


DAVID SCHNYER


DONALD R. WILSON
COUNCIL MEMBERS

	<u>1st Reading</u>	<u>2nd & Final Reading</u>
MOTIONED BY:	<u>E. WADE</u>	<u>E. Wade</u>
SECONDED BY:	<u>D. WILSON</u>	<u>D. Wilson</u>
E. RODGERS	<u>AYE</u>	<u>aye</u>
E. WADE	<u>AYE</u>	<u>aye</u>
S. BLUE	<u>AYE</u>	<u>aye</u>
D. SCHNYER	<u>AYE</u>	<u>aye</u>
D. WILSON	<u>AYE</u>	<u>aye</u>

Reviewed as to legal sufficiency


City Attorney, City of Riviera Beach

DATE 3-21-2000

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

April 5, 2000
Date

Carrie E. Ward
Carrie E. Ward, CMC/AEE, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION:

Parcel 1

The East 280 feet of the North half (N ½) of the South half (S ½) of the North half (N ½) of the Northwest quarter (NW ¼) of Section 36, Township 42 South, Range 42 East, less the North 40 feet and the East 60 feet thereof for road right of way.

Parcel 2

The West 305.96 feet of the East 585.96 feet of the North half (N ½) of the South half (S ½) of the North half (N ½) of the Northwest quarter (NW ¼) of Section 36, Township 42 South, Range 42 East, Palm Beach County, Florida, less the North 40 feet thereof.

Containing 3.535 acres more or less.

ORDINANCE NO. 2855

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 CG "GENERAL COMMERCIAL" ON 1.48 ACRES OF PROPERTY LOCATED AT 6831 N. MILITARY TRAIL AND IL "LIMITED INDUSTRIAL" ON 2.06 ACRES OF PROPERTY LOCATED AT 4574 DYER BOULEVARD; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE ZONING MAP AND PROVIDING AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Chapter 166.041 provides procedures to adopt an ordinance effecting less than ten (10) acres; and

WHEREAS, the subject property is currently assigned Palm Beach County "Light Industrial" zoning classification; and

WHEREAS, on March 9, 2000, the Planning and Zoning Board reviewed the proposed zoning change from Palm Beach County "Light Industrial" to the City of Riviera Beach "General Commercial" for property located at 6831 N Military Trail and "Limited Industrial" for property located at 4574 Dyer Boulevard, and forwarded a recommendation to the City Council; and

WHEREAS, the City Council sitting as the Local Governing Body conducted a Public Hearing and first reading of this ordinance; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

Section 1. The Zoning Map in the City of Riviera is hereby amended to assign CG "General Commercial" zoning classification on 1.48 acres to the property located at 6831 N Military Trail with legal description being Parcel 1 in Exhibit "A".

Section 2. The Zoning Map in the City of Riviera Beach is hereby amended to assign IL "Limited Industrial" zoning classification on 2.06 acres to the property located at 4574 Dyer Boulevard with legal description being Parcel 2 in Exhibit "A".

Section 3. The Director of Community Development is hereby authorized and directed to update the City's Zoning Map by assigning all zoning classifications described by the Ordinance.

Section 4. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of the Ordinance.

Section 5. The effective date for the enactment of this Ordinance shall be thirty-one (31) days after the adoption hearing.

PASSED AND APPROVED on First Reading this 5TH day of APRIL 2000.

PASSED AND ADOPTED on Second Reading this 19TH day of APRIL 2000.

APPROVED:

Michael D. Brown
MICHAEL D. BROWN, MAYOR

Edward Rodgers
EDWARD RODGERS,
CHAIRPERSON

[MUNICIPAL SEAL]

Elizabeth Wade
ELIZABETH "LIZ" WADE,
CHAIRPERSON PRO-TEM

Sylvia Blue
SYLVIA BLUE

ATTEST:

Carrie E. Ward
CARRIE E. WARD, CMC/AE
CITY CLERK

David Schnyer
DAVID SCHNYER
Donald R. Wilson
DONALD R. WILSON
COUNCIL MEMBERS

	<u>1st Reading</u>	<u>2nd & Final Reading</u>
MOTIONED BY:	<u>D. WILSON</u>	<u>D. Wilson</u>
SECONDED BY:	<u>E. WADE</u>	<u>E. Wade</u>
E. RODGERS	<u>AYE</u>	<u>aye</u>
E. WADE	<u>AYE</u>	<u>aye</u>
S. BLUE	<u>AYE</u>	<u>aye</u>
D. SCHNYER	<u>AYE</u>	<u>aye</u>
D. WILSON	<u>AYE</u>	<u>aye</u>

Reviewed as to legal sufficiency
Michael R. ...
City Attorney, City of Riviera Beach
Date: 7-21-2000

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

April 5, 2000
Date

C. E. Ward
Carrie E. Ward, CMC/AE, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION:

Parcel 1

The East 280 feet of the North half (N ½) of the South half (S ½) of the North half (N ½) of the Northwest quarter (NW ¼) of Section 36, Township 42 South, Range 42 East, less the North 40 feet and the East 60 feet thereof for road right of way.

Parcel 2

The West 305.96 feet of the East 585.96 feet of the North half (N ½) of the South half (S ½) of the North half (N ½) of the Northwest quarter (NW ¼) of Section 36, Township 42 South, Range 42 East, Palm Beach County, Florida, less the North 40 feet thereof.

Containing 3.535 acres more or less.

ORDINANCE NO. 2856

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE PAY AND CLASSIFICATION PLAN BY DELETING THE UNCLASSIFIED POSITIONS OF DEPUTY CITY MANAGER AND ASSISTANT CITY MANAGER FOR FINANCE AND ADMINISTRATIVE SERVICES AND CREATING THE UNCLASSIFIED POSITIONS OF ASSISTANT CITY MANAGER, FINANCE DIRECTOR, CHIEF OF STAFF, AND AGENDA COORDINATOR/BOARD ASSISTANT, UNDER CLASS TITLE ADMINISTRATIVE, GENERAL AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in order to be consistent with job titles of other cities in comparable size relating to the City Manager's Assistant; and

WHEREAS, the title of Deputy City Manager is no longer utilized; and

WHEREAS, the title of Assistant City Manager is commonly used by most municipalities; and

WHEREAS, the pay grade for Deputy City Manager is M-13, the pay grade for Assistant City Manager will remain the same as for Deputy City Manager, M-13; and

WHEREAS, the position of Assistant City Manager for Finance and Administrative Services is no longer necessary and therefore deleted; and

WHEREAS, the position will revert to Finance Director and the pay grade for Finance Director will remain the same as for Assistant City Manager for Finance and Administrative Services, M-12; and

WHEREAS, due to the increased workload in the Legislative Division; and

WHEREAS, the Legislative Division support staff is unable to maintain a level of efficiency and effectiveness of the duties and responsibilities within the division; and

WHEREAS, it is necessary to increase staffing in the Legislative Division to the position of Chief of Staff at pay grade of M-07; and

WHEREAS, the need to provide consistent and efficient attention to the agenda preparation and distribution; and

WHEREAS, the position of Agenda Coordinator/Board Assistant at pay grade of M-05 is created to perform agenda coordination.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA;

SECTION 1. That the attached portion of the Pay & Classification Plan be amended by deleting the job titles of Deputy City Manager and Assistant City Manager for Finance and Administrative Services, and creating the job titles of Assistant City Manager and Finance Director, respectively; and by creating the job titles of Chief of Staff and Agenda Coordinator/Board Assistant.

SECTION 2. That this Ordinance shall take effect upon its passage and adoption by the City Council.

SECTION 3. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this Ordinance may be renumbered to accomplish such Intentions.

SECTION 4. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not effect the validity of any remaining portions of this Ordinance.

SECTION 5. That all sections or parts of sections, of the Code of Ordinances of all Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to extent of such conflict.

SECTION 6. That this Ordinance shall not be codified.

SECTION 7. That this Ordinance shall be in full force and effective immediately upon its final passage and adoption.

PASSED and APPROVED on first reading this 19th
day of April, 2000.

PASSED AND ADOPTED on second reading this 3rd
day of May, 2000.

ORDINANCE NO. _____
PAGE 5

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this Ordinance was duly published in a newspaper or general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

CARRIE E. WARD, CMC/AE
CITY CLERK

DATE

REVIEWED AS TO LEGAL SUFFICIENCY

Interim City Attorney
City of Riviera Beach

Date: _____

APPROVED:


MICHAEL D. BROWN
MAYOR

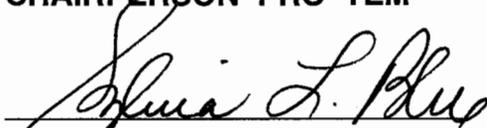
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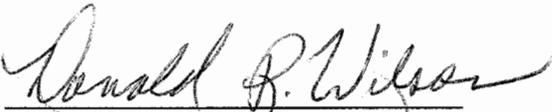
ATTEST:


CARRIE E. WARD, CMC/AAE
CITY CLERK *5/09/00*


EDWARD RODGERS
CHAIRPERSON


ELIZABETH WADE
CHAIRPERSON PRO TEM


SYLVIA L. BLUE


DONALD L. WILSON


DAVID SCHYNER
COUNCIL MEMBERS

Motioned by: E. Wade
Seconded by: D. Wilson

Motioned by: D. Wilson
Seconded by: S. Blue

1st READING

E. RODGERS aye

E. WADE aye

S. BLUE aye

D. WILSON aye

D. SCHYNER aye

2nd READING

aye

aye

aye

aye

aye

**CITY OF RIVIERA BEACH
PAY & CLASSIFICATION PLAN**

1998 – 1999 (Effective 10/01/98) – 4% increase

General, Supervisory, Confidential and Administrative Personnel

CLASS TITLE	PAY RANGE/GRADE
--------------------	------------------------

ADMINISTRATIVE, GENERAL

Administrative Assistant II	M05
Agenda Coordinator / Board Assistant	M05
Assistant City Attorney	M11
Assistant City Manager	M13
Asst. City Mgr. for Fin. & Admin. Srv.	M12
Chief of Staff	M07
City Attorney	Contractual
City Clerk	M10
City Manager	Contractual
Computer Operations Supervisor	G33
Deputy City Clerk	M06
Deputy City Manager	M13
Finance Director	M12
Human Resources Director	M10
Information Services Technician I	G30
Intergovernmental Relations Coordinator	M06
Legal Assistant	G31
Legislative Assistant to Mayor & City Council	M05
M I S Manager	M09
Paralegal/Admin. Asst.	G33
Personnel Analyst	G37
Personnel Specialist	G33
Police General Counselor & Advisor	M11
Program Coordinator	M05
Risk Manager	M09
Records Management Specialist	M06
Systems Administrator	M08

CLERICAL & RELATED

Clerical Assistant I	G13
Clerical Assistant II	G15
Insurance Clerk	G28
Personnel Clerk	G20
Senior Staff Assistant	G27
Staff Assistant I	G19
Staff Assistant II	G23
Telephone Operator	G18

CITY OF RIVIERA BEACH
CLASSIFICATION PLAN
PAGE 7

EFFECTIVE DATE: 10/01/98

REVISED - 1/01/00

ADMINISTRATIVE SALARY SCHEDULE
EXEMPT FROM OVERTIME & COMPENSATORY TIME
1998 - 99

RANGE	CLASSIFICATION	SALARY
M01	-----	19,837 - 29,359
M02	-----	21,820 - 32,295
M03	-----	24,003 - 35,524
M04	-----	26,404 - 39,077
M05	Administrative Assistant II <u>Agenda Coordinator/ Board Assistant</u> Legislative Asst. to Mayor & City Council Public Works Coordinator Program Coordinator	29,044 - 42,984
M06	Deputy City Clerk Emergency Communications Manager Housing & Community Development Coordinator Intergovernmental Relations Coordinator Records Management Specialist	31,948 - 47,283
M07	Budget & Management Specialist <u>Chief of Staff</u> Senior Planner	35,143 - 52,010
M08	Assistant Building Official Code Administrator Major of Police Marina Director Purchasing Director Systems Administrator	38,657 - 57,212

**CITY OF RIVIERA BEACH
 CLASSIFICATION PLAN
 PAGE 8
 EFFECTIVE DATE: 10/01/98**

RANGE	CLASSIFICATION	SALARY
M09	Assistant Director of Finance Building Official Library Director M I S Manager Parks & Recreation Director Planning & Zoning Administrator Public Works Director Risk Manager	42,522 - 62,934
M10	Assistant Director of Utilities Assistant Police Chief City Clerk Deputy Fire Chief Human Resources Director	46,775 – 71,413
M11	Assistant City Attorney City Engineer Police General Counselor & Advisor	51,452– 76,149
M12	Assistant City Manager for Finance & Administrative Services Chief of Police Community Development Director <u>Finance Director</u> Fire Chief Utilities Director	56,597 – 83,763
M13	Deputy City Manager <u>Assistant City Manager</u>	62,258 – 92,139
M14	City Attorney	CONTRACTUAL
M15	City Manager	CONTRACTUAL

INTER-DEPARTMENTAL COMMUNICATION

Memorandum

To: HONORABLE MAYOR AND CITY COUNCIL
From: WILLIAM E. WILKINS, CITY MANAGER *WED*
Date: APRIL 17, 2000
Re: PROPOSED REORGANIZATION OF CITY MANAGER'S OFFICE

Since November, 2000 when I was hired as City Manager for the City of Riviera Beach, I have been reviewing, analyzing and evaluating the strengths, weaknesses, opportunities and threats to the City realizing its full potential as a world class, high quality place for residents, business owners and visitors.

It is clear that this City possesses all of the resources necessary to fulfill that potential. The City has willing, enthusiastic and cooperative residents; a growing and increasingly involved business community; an abundance of physical assets and resources including the Port of Palm Beach, the Municipal Beachfront, the City Marina and a thriving developing waterfront; as well as an attractive inventory of industrial zoned property, much of which is served by rail.

In my opinion, the City has just added one of the most important factors to those resources by the installation of the most recent Mayor and City Council. I believe this Council possesses the energy, dedication, business acumen and the willingness to devote the sincere concern for the community necessary to provide decisive policy direction and leadership for the City.

My review of the management and administrative capabilities of City staff, however, leads me to the conclusion that significant improvements must be made if the City is to succeed and meet the challenges of correcting existing deficiencies and providing the innovation and initiative for future improvements.

I have previously provided the Council with a preliminary list of priority tasks, capital projects and other assignments which are included in my annual work plan. That list is currently being revised to more accurately reflect the tremendous amount of work which must be accomplished to improve the City. There are significant tasks on that list that require a high level of staff supervision and direction.

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Honorable Mayor and City Council
April 17, 2000

The City Manager's Office as currently constituted is not adequate to provide this high level of supervision and direction. It is not possible for myself and the Deputy City Manager to address in sufficient detail the vast amount of work currently needed to be accomplished.

I am, therefore, recommending that our office be reorganized as follows:

- Eliminate the position of Deputy City Manager and reclassify the position to Assistant City Manager at M13 (Job Description, Attachment #2).
- Add one additional position of Assistant City Manager – M13. (Job description, Attachment #2).
- Add one additional position of Senior Staff Assistant – G27 to provide clerical support for the Assistant City Manager.
- Re-grade the position of Legislative Aide to Chief of Staff M-07 to more accurately reflect the responsibility of the position (Job Description, Attachment #3).
- Add one additional position of Agenda Coordinator/Board Assistant M-05.

Under the proposed organizational structure, City departments would be divided under the two Assistant City Managers for functional control and direction. In addition, non-departmental function such as Economic Development, Promotional and Special Events, Public Relations and marketing would be assigned as appropriate (Attachment #2).

The Police Chief would continue to report directly to the City Manager.

This organizational structure would allow me to concentrate on the priority issues such as the Ocean Land Development Project, proposed purchase of WCI property, relations with the Port of Palm Beach, coordination of City responsibilities in the development of the Downtown Development Project. Completion of Police Department Certificate process, supervision of Citywide visioning and goal setting process and development of a Citywide Master Plan.

As reflected in Attachment 2, the cost of these recommendations for the remainder of the year is \$53,358. The total cost on an annualized basis which includes benefits is \$162,120. I have included with this package a survey of similar communities for comparison of salaries for Assistant City Managers (Attachment #3).

Attachment #4 represents the proposed organizational structure of the City Manager's Office.

If the City is to be effective in the future, it must have an appropriate command and management structure in order to effectively plan, manage and direct the resources both human and natural, necessary to support a high quality of life community.

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Honorable Mayor and City Council
April 17, 2000

I recommend that the City Council approve the reorganization as presented and authorize on first reading the Ordinance amending the pay and classification plan to accomplish the recommendations.

WEW:mem

Attachments

C:\MYDOCU - 1\MAYORCOU\CITYMGRREORGANIZATION

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA AMENDING THE CITY ZONING ORDINANCE BY REPEALING SECTION 31.382(b)(3) AND ADDING A NEW CHAPTER 31A, ENTITLED "WIRELESS SERVICE FACILITIES TOWER AND ANTENNA SITING"; PROVIDING PURPOSE; PROVIDING DEFINITIONS; PROVIDING APPLICABILITY; PROVIDING AN APPLICATION PROCESS; PROVIDING GENERAL REQUIREMENTS; PROVIDING SITING ALTERNATIVES HIERARCHY; PROVIDING CO-LOCATION REQUIREMENTS; PROVIDING NEW TOWER REQUIREMENTS; PROVIDING VARIANCE PROVISIONS; PROVIDING PROTECTION FOR RESIDENTS; PROVIDING ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Congress of the United States adopted the Telecommunications Act of 1996, providing federal limitation on the local regulation of the placement, construction, and modification of wireless service facilities, a technology offering wireless commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

WHEREAS, Wireless Service Facilities are being deployed on a rapid basis requiring land use facilities that impact planning and zoning concerns in the CITY OF RIVIERA BEACH ("City"), Florida and throughout the United States; and

WHEREAS, the City finds that it is in the public interest to permit the siting of Wireless Service Facilities within its municipal boundaries, and

WHEREAS, the City has received and expects to receive additional requests from Wireless Service providers to site towers and antennas within the municipal boundaries and is authorized by federal, state and local law to regulate the siting of such towers and antennas; and

WHEREAS, it is the intent of the City to provide reasonable accommodation to, and to promote and encourage fair and reasonable competition among Wireless Service providers on a neutral and non-discriminatory basis; and

WHEREAS, the purpose and intent of this Ordinance is to establish appropriate locations in priority order of use, and, further, to develop the requirements and standards to permit the siting of Wireless Service towers and antennas within the municipal boundaries, with due consideration to the City's Comprehensive Plan, zoning map, existing land uses and environmentally sensitive areas, including hurricane preparedness areas; and

WHEREAS, through these regulated standards, it is the intent of the City to protect and promote the health, safety and general welfare of its citizens and residents, the traveling public and others in such manner that will minimize both the number of towers and antennas and the adverse visual impact and other potential damage by these facilities by encouraging co-location and shared use of new and pre-existing facilities, through incentives, careful design, engineering siting, landscape screening and innovative camouflaging techniques.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA THAT:

SECTION 1. Title.

This Ordinance shall be entitled "WIRELESS SERVICE FACILITIES TOWER AND ANTENNA SITING ORDINANCE," and shall be an amendment to the City's Code of Ordinances.

SECTION 2. Purpose.

The regulations and requirements establish general guidelines for the siting of Wireless Service towers and antennas and are intended to accomplish the following purposes:

(a) protect and promote the public health, safety and general welfare of the residents of the City; (b) minimize potential adverse impacts of towers and antennas on residential areas and land uses; (c) encourage the location of towers in non-residential areas and to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (d) minimize the total number of towers throughout the community by strongly encouraging the replacement and/or co-location of antennas on new and pre-existing facilities as a primary option rather than construction of additional single-use towers; (e) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (f) avoid potential damages to property from antenna and tower facilities by ensuring such structures are soundly and carefully designed, constructed, modified and maintained; and (g) enhance the ability of the providers of Wireless and/or Essential Communications Services to provide such services to the community through an efficient and timely application process. In furtherance of these goals, the City shall at all times give due consideration to the City's Comprehensive Plan, zoning map, existing land uses, future land uses and environmentally sensitive areas, including hurricane preparedness areas, in approving sites for the location of towers and antennas.

SECTION 3. Definitions.

As used in this Ordinance, the following terms shall have the meanings set forth below, and shall control over any other definitions contained in the City's Code of Ordinances:

A. **"Antenna"** means a transmitting and/or receiving device mounted on a tower, building or structure and used in the offering of Wireless and/or Essential

Communications Services that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless communications signals and other communications signals, including directional antennas such as panel and microwave dish antennas, and omni-directional antennas such as whips, but excluding radar antennas, amateur radio antennas and satellite earth stations.

B. **“Backhaul network”** means the lines that connect Wireless Service Facilities to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

C. **“Broadcasting facility”** means any telecommunication tower built primarily for the purpose of broadcasting AM, FM or television signals, including High Definition Television Signals (“HDTV” or “Digital TV” or “DTV”).

D. **“Co-Located Wireless Service Facility” or “Co-Located Facility”** means the placement of a new Wireless Service Facility on an existing tower, existing building or structure.

E. **“Effective Radiated Power”** means the product of the power supplied to the antenna and its gain relative to a half-wave dipole in a given direction.

F. **“Essential Communications Services”** means those communications services provided by the City and other governmental entities that directly relate to the health and safety of its residents including fire, police and emergency rescue.

G. **“Extraordinary Conditions”** means subsequent to a hurricane, flood, or other natural hazard or subsequent to a defective finding on a previous inspection.

H. **“FAA”** means the Federal Aviation Administration.

I. **“Fair Market Value”** means the price at which a willing seller and willing buyer will trade.

J. **“FCC”** means the Federal Communications Commission.

K. **“Geographic Search Area”** means that initial circular area, which has a radius of no less than one mile except as otherwise provided, designated by a wireless provider or operator for a new Tower. The Geographic Search Area shall be determined based upon engineering considerations including grids, frequency coordination and levels of service consistent with good engineering practices.

L. **“Guyed Tower”** means a tower that is supported, in whole or in part, by guy wires and ground anchors.

M. **“Lattice Tower”** means a tower that is constructed to be self-supporting by lattice type supports and without the use of guy wires or other supports.

N. **“Microwave Dish Antenna”** means a dish-like antenna used to link Wireless Service sites together by wireless transmission and/or receipt of voice or data.

O. **“Minor Site Plan”** refers to an application which seeks authority to co-locate a proposed facility, consistent with Section 5 hereof.

P. **“Major Site Plan”** refers to an application which seeks authority to construct a new tower structure, consistent with Section 5 hereof.

Q. **“Monopole Tower”** means a tower consisting of a single free standing pole or spire self-supported on a permanent foundation constructed without guy wires, ground anchors, or other supports.

R. **“Panel Antenna”** means a flat, rectangular antenna or array of antennas, designed to concentrate a radio signal in a particular area.

S. **“Wireless Services”** means commercial mobile services, unlicensed

owned and operated by a federally- licensed amateur radio station operator, or one used exclusively for receive-only antennas. Wireless Service Facilities shall not be regulated or permitted as an essential service, public utility, or private utility. No permit granted by the City under this Ordinance shall warrant the technical suitability of a proposed site, and the City shall not be held responsible for any interference with or from another Wireless Service Facility.

SECTION 5. Application: Site Plan Submission and Review Requirements.

Every applicant for a Tower or Antenna shall at minimum submit the following to the City:

A. Minor Site Plan. An applicant for the Co-Location of a Wireless Service Facility shall submit a Minor Site Plan that complies with this subsection. To further encourage the Co-Location of Wireless Service Facilities, the City will attempt to review any submitted Minor Site Plan within thirty (30) days of the filing of a completed application. A minor site plan submission shall contain all of the following information, including applicable fees:

1. Certification. For all co-located facilities, a statement from a Florida-licensed engineer that certifies that the structure, including support structures and equipment buildings, if applicable, can support the additional load due to the co-location of Facilities including, without limitations, weight and wind loads in effect at the time the structure was approved, consistent with applicable law.

2. Review and Approval. A minor site plan shall be administratively reviewed and approved. The City may commission a review by a professional consultant with appropriate technical experience to review the plan and all supporting documentation. The cost of this review shall be borne by the applicant and shall not exceed five thousand dollars (\$5,000); no review will commence until the cost recovery arrangement is finalized and no authorization by the City shall be issued until any payments due to the City by the applicant are paid in full.

B. Major Site Plan. A major site plan submission shall contain all of the items required for a minor site plan, including additional applicable fees, and provide the following additional information:

1. Inventory of existing towers.

a. Each applicant shall submit an inventory of existing Towers, Antennas, and approved Wireless Service Facilities within the search area identified in an application. No new Tower shall be permitted unless the applicant demonstrates to the satisfaction of the City that no existing Facility or structure can accommodate, as is or through modification, the proposed Facility. Evidence to demonstrate that no existing facility or structure is suitable shall consist of any of the following:

(1) An affidavit demonstrating that the applicant made diligent efforts to install or co-locate on an existing

tower or other existing structure within the Geographic Search Area, as determined by a qualified radio frequency engineer.

- (2) An affidavit demonstrating that existing Towers or structures located within the Geographic Search Area, as determined by a certified radio frequency engineer, do not have the capacity to provide reasonable technical service consistent with the applicant's technical system, including but not limited to, applicable FCC requirements.
- (3) Written technical evidence from a qualified radio frequency engineer that existing Towers or structures are not of sufficient height to meet applicable FCC requirements.
- (4) Written technical evidence from a qualified radio frequency engineer that existing Towers or structures do not have sufficient structural strength to support the proposed Facility.
- (5) A written statement from a qualified radio frequency engineer that the proposed and existing facilities are incompatible due to electromagnetic/radio frequency interference or the new Facility would otherwise interfere with public safety communications or the usual and customary transmission or reception of radio, television, or other communications service enjoyed by surrounding properties.
- (6) An affidavit that the fees, costs, or contractual provisions required by the owner to share an existing tower or structure, or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (7) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (8) The applicant demonstrates that State of the Art technology used in the Wireless Service business and within the scope of applicant's FCC license, is unsuitable for the site involved. Costs of State of the

Art technology that exceed new tower development shall not be presumed to render the technology unsuitable.

b. The City reserves the right to share inventory information with other applicants seeking to site Wireless Service Facilities. However, in doing so, the City shall neither be responsible for the accuracy of the information, nor will it infer that any sites are available or suitable.

2. Engineering Report. All proposals for a new Tower shall submit a written report certified by a Florida-licensed electrical engineer who specializes in Radio Frequency engineering or Wireless Service Facilities, except as otherwise provided herein. The report shall include:

- a. A description of the Geographical Search Area requirements;
- b. A Site development plan, drawn to scale, including without limitation, a legal description of the parent tract and leased parcel, if applicable, on-site and adjacent land uses, Comprehensive Plan and zoning classification of the site, a visual impact analysis and photo digitalization of the tower and all attachments including associated buildings and equipment containers at the property line, as well as at a distance of 250 feet and 500 feet from all properties within that range, or at other points agreed upon by the City and the Wireless Service Facilities owner.
- c. A projection of wind-load capacity for the proposed Facility, provided by a licensed professional engineer. No tower shall be permitted to exceed its wind loading capacity as provided for by the Standard Building Code at the time of original approval of the tower or structure on which the proposed Facility is to be co-located;
- d. A statement that the proposed Tower Facilities, and reception and transmission functions will not interfere with the visual and customary transmission or reception of radio, television or similar services as well as other wireless services enjoyed by surrounding properties;
- e. A statement of compliance with the South Florida Building Code and all other applicable building codes, as amended from time to time, associated regulations and safety standards;
- f. The Effective Radiated Power of the Facility and how it meets or exceeds the FCC's regulations on the environmental effects

of radio frequency emission;

- g. Any additional information deemed warranted by the City to assess compliance with applicable regulations.

3. Review and Approval. A major site plan shall be reviewed by City staff and considered by the City Council upon receipt of an advisory recommendation by the Planning and Zoning Board: The City Council shall consider an application within one hundred eighty (180) days of the applicant's submission of a completed application. The City may commission a review by a professional consultant with appropriate technical experience to review the plan and all supporting documentation. Such review by a professional consultant shall be completed within (60) days of commencement consistent with this section. The cost of this review shall be borne by the applicant and shall not exceed five thousand dollars (\$5000); no review will commence until the cost recovery arrangement is finalized and payment has been submitted by the applicant. If the City does not accept the full Report provided as accurate, or if the City disagrees with any part of the Report, the time in which an application is processed may be tolled, in the reasonable discretion of the City, pending further investigation.

SECTION 6. General Requirements.

A. Local, State and Federal Requirements. A Wireless Service Facilities owner shall certify that all franchises/licenses/permits required by law have been obtained and shall file a copy of these with the City. The construction, operation and repair of a Facility shall be in accordance with all applicable local, state and federal requirements. The construction, operation and repair shall be performed in a manner consistent with applicable industry standards, including the Electronic Industries Association. The Facility must meet or exceed current standards and regulations of the FAA, the FCC, including radio frequency emissions standards, and any other agency of the local, state or federal government with the authority to regulate the facility prior to issuance of a building permit by the City. A statement shall be submitted by a licensed engineer certifying compliance with this subsection. If applicable standards and regulations require retroactive application, then the facility owner shall bring the Facility into compliance with these standards and regulations within six months of the effective date of these standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to comply with this section shall constitute grounds for removal at the owner's expense.

B. Environmental Regulations. A Wireless Facility owner shall demonstrate compliance with applicable environmental laws including, without limitation, the National Environmental Policy Act of 1969, as amended, Pub. L. 91-190, 83 Stat. 852 (1969), the Endangered Species Act, as amended, Pub. L. 93-205, 87 Stat. 884 (1969), the Migratory Bird Treaty Act, as amended, 40 Stat. 755 (1918), the Bald Eagle Protection Act, as amended, 54 Stat. 250 (1940), and the Golden Eagle Protection Act, as amended, Pub. L. 87-884, 76 Stat. 1246 (1962). A statement shall be submitted certifying compliance with this Section prior to obtaining any building permit from the City.

C. 1. Inspection; Reports. The City reserves the right to conduct periodic inspection of Wireless Service Facilities other than co-located or roof-mounted facilities at the Facility Owner's expense to ensure structural and electrical integrity. Such periodic inspection shall take place no more than once every two (2) years. Where the City does not possess the expertise to perform inspections as required herein, the City reserves the right to have such inspections performed by a licensed professional engineer at the applicants expense. If inspection determines noncompliance with applicable codes and standards (except in the case of a legal non-conforming use) then, upon notice, the owner shall have thirty (30) days, or such other time as the City may allow, for good cause shown, to bring the Facility into compliance. Failure to do so within the time allowed shall constitute grounds for the removal of the facility at the owner's expense.

2. Wireless Facility owners shall submit a report to the City certifying structural and electrical integrity every two (2) years. The report shall be accompanied by a non-refundable fee of Two Hundred Dollars (\$200.00) to reimburse the City for the cost of review.

D. Lighting. No signals, artificial lights, or illumination shall be permitted on any Wireless Service Facility unless required by the FAA or other applicable authority. If required, the lighting shall be designed to minimize off-site impacts. Strobe lights will not be allowed

E. Signs. No signs, including commercial advertising, logo, political signs, flyers, flags, or banners, but excluding warning signs, shall be allowed on any part of an antenna or tower. Any signs placed in violation of this section shall be removed immediately at the Facility Owner's expense. In addition to other requirements set forth in the City's zoning code, the following warning signs shall be utilized in connection with the Tower or Antenna site, as applicable: (a) if high voltage is necessary for the operation of the Tower, associated equipment, or Backhaul network or accessory structures, "HIGH VOLTAGE -- DANGER" warning signs shall be permanently attached to the fence or wall surrounding the structure and spaced no more than 40 feet apart; (b) "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall surrounding the structure and spaced no more than 40 feet apart; (c) the height of the lettering of the warning signs shall be at least eight (8) inches and the signs shall be installed at least 5 feet above the finished grade; (d) the warning signs may be attached to free standing poles if the content of the sign may be obstructed by landscaping. Warning signs shall contain all other information in compliance with FCC regulations.

F. Equipment Structure.

1. Except for an equipment structure needed to operate an approved Facility, Accessory Uses are prohibited unless otherwise permitted in the zoning district in which the facility is located. The equipment structure shall not contain more than 450 square feet of gross floor area and shall not be more than 10 feet in height, not including any platform structure (which shall be limited to no more than three (3) feet), subject to the limitations of Section 8.B.2 herein.

2. Where the equipment structure is located on the ground, it shall meet the minimum setbacks required for a principal building in the underlying zoning district. Where the equipment structure is located on the roof of a building, the total area occupied by such structure(s) shall not exceed ten percent (10%) of the roof area. This limitation may be waived by the City, in its reasonable discretion, where the structural integrity of the roof can be certified by the applicant, subject to any weight load limitations contained in the City Code. Screening shall be required for all equipment structures to minimize the visual impact upon adjacent properties and the general public.

G. Parking. Each Facility site shall provide stabilized parking only for use by maintenance personnel. No vehicle storage shall be permitted.

H. Security Fencing. Towers and associated accessory building and equipment shall be enclosed by a security fence or wall that is a minimum of 8 feet in height and may be equipped with an anti-climbing device or apparatus where appropriate. Such perimeter fencing shall be landscaped pursuant to Section 6L hereof.

I. Outdoor Storage. No outdoor storage of vehicles or equipment is permitted. Equipment such as generators or equipment cabinets may, with prior notice to the City and at the City's discretion, be placed outdoors on site, on a temporary basis.

J. Facility Replacement.

1. Modification to Existing Site. Up to 50% of the height of an existing lawful Tower may be replaced as part of modifications made to provide for co-location of a new Facility. Replacement of more than 50% shall be considered a new Tower and shall meet all of the applicable requirements.

2. Rebuilding Damaged or Destroyed Existing Site. Existing lawful Wireless Service Facilities and Towers that are damaged or destroyed may be rebuilt through administrative review and approval, provided the replacement facility is the same as the original in type, location and intensity or brings a previously nonconforming facility into greater conformance and no more than 50% of the facility is involved. If more than 50% of the facility is involved, it shall be considered a new facility that shall meet all of the applicable requirements; provided that replacement of entire facility with a tower type of less intensity (ie replacing guyed tower with monopole / stealth) shall be considered as a replacement of no more than 50% of the facility for purposes of this subsection. All replacement shall comply with the then applicable zoning and building codes, and building permits must be obtained within 90 days from the date the facility is damaged or destroyed. If the required permits are not obtained within 90 days from the date the Tower or Facility is damaged or destroyed, the Facility shall be deemed abandoned.

K. Removal of Abandoned Facility. Any Tower or Facility that is not operated for a continuous period of twelve months shall be considered abandoned, and the owner shall remove it within ninety days of receipt of notice from the City. Failure to remove an abandoned Tower or Facility within the ninety days shall be grounds to remove it at the

owner's expense. If there are two or more users of a single facility, then this provision shall not become effective until all users cease using it.

L. Facility Appearance.

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color to reduce visual obtrusiveness.

2. The design of the equipment structure and any other associated permitted structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that minimize the visual impact and enhance compatibility with surrounding development.

3. To the extent feasible, Wireless Service Facilities shall be Stealth Facilities. The use of a tower or facility other than a stealth facility must be documented by the applicant as the only appropriate facility which the provider can use. This documentation may be verified, at the discretion of the City, with a licensed professional engineer at the applicants expense.

4. Facilities must comply with the requirements of the City Landscape Code. The City may require landscaping in excess of those requirements in order to enhance compatibility with adjacent uses or zoning districts, provided that any such additional requirements shall not exceed 80% of the amount otherwise required.

5. For Co-located Facilities, the Antennas and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure to minimize the visual impact and enhance compatibility with surrounding development.

M. Security Fund. Every Wireless Service Provider shall establish a security fund to secure the payment of removing a Tower or Wireless Service Facility that has been determined to be abandoned, to secure the payment of removing a Tower Facility that has been determined to be in non-compliance with this Code, and to provide the City a fund from which to deduct fines and penalties for non-compliance with this Code or other applicable laws. Such fund may be in the form of a cash deposit, letter of credit, corporate guarantee, indemnity bond or surety bond as determined by the City at its sole discretion. The amount to be provided for each Tower shall be no less than five thousand dollars (\$5,000); the amount for each antenna array shall be no less than one thousand dollars (\$1,000).

SECTION 7. Siting Alternatives Hierarchy.

A. Siting of a Tower and/or Wireless Service Facility shall be in accordance with the following siting alternatives hierarchy. The order of ranking, from highest to lowest, shall be 1A, 1B, 2A, 2B, 3A, 3B. Where a lower ranked alternative is proposed (e.g., 3A), the applicant must demonstrate that higher ranked options (e.g., 2A) are not feasible.

1. Co-location on Existing Communications Tower.

- A. On City-Owned site.
- B. On Non-City Owned site.
- 2. Co-location on Existing Building/Other Structure.
 - A. On City-Owned site.
 - B. On Non-City Owned site.
- 3. Development of New Communications Tower.
 - A. On City-Owned site.
 - B. On Non-City Owned site.

B. The City reserves the right to modify or waive the requirement for use on City owned public property. Nothing herein shall be construed to grant an absolute right of access to City property. A determination whether to grant or deny a waiver request shall be made in accordance with standards to be adopted by administrative regulation of the City.

SECTION 8. Co-location Requirements.

A. Use Regulations. Co-location is permitted in the IL, IG, and CF zoning districts. Co-location may be permitted in the OP, CG, RM-20 and RMH-20 zoning districts, provided that the proposed Facility qualifies as a Stealth Facility consistent with the definition set forth in Section 3 hereof. Where co-located on an existing building or other structure, the Facility shall be developed only as an Accessory Use.

B. Height:

- 1. Tower: In compliance with Section 9D.
- 2. Building/Other Structure. The minimum height of the building/structure before installation of the Wireless Service Facility shall be 50 feet. The maximum height of a Wireless Service Facility/Antenna shall not exceed 25% of the original height of the building or structure, including support structures.

C. Antenna Type and Size.

- 1. To minimize adverse visual impacts, the antenna used shall be in accordance with the following alternatives hierarchy. The order of ranking, from highest to lowest, shall be: (1) Stealth; (2) Panel; (3) Whip; and (4) Dish. Where a lower ranked alternative is proposed (e.g., 3), the applicant must demonstrate that higher ranked options (e.g., 2) are not technically feasible.
- 2. Omni-directional (whip) antennas must not exceed three (3) feet in diameter and fifteen (15) feet in height.
- 3. Directional or panel antennas must not exceed two and one-half (2½) feet in width and eight (8) feet in height.

4. Microwave dish antennas located below sixty-five (65) feet above the ground may not exceed six (6) feet in diameter. Microwave dish antennas located sixty-five (65) feet and higher above the ground may not exceed eight (8) feet in diameter. Ground-mounted dish antennas must be located or screened so as not to be visible from adjacent properties and public streets.

D. Modification. Modifications to a structure to accommodate the Co-Location of a Wireless Service Facility are permitted subject to Section 6(J).

E. Future Co-Location. Unless demonstrated as infeasible, the Wireless Service Facility shall provide for future co-location on the Facility by other Wireless Service Facilities and for City and public purposes. The siting applicant shall demonstrate that other potential service providers have been contacted to determine if their future needs can be accommodated through co-location on the site. The Facility Owner shall make every effort to design the site in a manner that allows for future Co-Location.

At a minimum, a Monopole Tower shall be built to accommodate a minimum of two Wireless Service Providers. At a minimum, a Self-Support, Lattice or Guyed Tower shall be built to accommodate a minimum of three Wireless Service Facilities.

F. Lease. The City may require, as a condition of entering into a lease agreement with the City, the dedication of space on the facility for public health and safety purposes, as well as property improvement on the leased space. Any dedications and improvements shall be negotiated prior to the execution of the lease. No lease granted under this section shall convey any exclusive right, privilege, permit or franchise to occupy or use the land of the City for delivery of Wireless Service or for any other purpose. No lease granted under this section shall convey any right, title, or interest in City owned land other than a leasehold, but rather shall be deemed only to allow the use of land for the limited purposes and term stated. No lease shall be construed as a conveyance of a title interest in the property.

G. Site Plan. An applicant for the Co-Location of a Wireless Service Facility shall submit a Minor Site Plan that complies with Section 5(A). To further encourage the Co-Location of Wireless Service Facilities, the City will attempt to review any submitted Minor Site Plan within thirty (30) days of the filing of a completed application.

H. Notwithstanding anything herein to the contrary, a Facility proposed exclusively for the provision of Essential Communications Services shall be exempt from the stealth requirements of Section 8A hereof, provided that such Facility is to be co-located and within the IL, IG, CF, OP, CG, RM-20 or RMH-20 zoning districts.

SECTION 9. New Tower Requirements.

A. Use Regulations. New towers shall be permitted in the IL, IG, and CF Zoning Districts. New towers may be permitted as a special exception in the OP, CG, RM-20 and RMH-20 zoning districts, provided the Facility qualifies as a Stealth Facility consistent with the definition set forth in Section 3 hereof, subject to the same notice requirements and

other procedures of Section 31-61 of the City Code.

B. Minimum Lot Size: Standard of the Applicable District.

C. Minimum Setbacks: 110% of the Tower Height. Setback requirements shall be measured from the base of the tower to the perimeter of the property on which it is located.

D. Maximum Height: Towers shall not be constructed at any heights in excess of those provided below.

- Tower capable of maintaining a single antenna array: 100 feet
- Tower capable of maintaining two antenna arrays: 130 feet
- Tower capable of maintaining three or more antenna arrays: 150 feet.

Any antenna, lighting, lighting rod, lighting beacon or other Wireless Service Facility shall not extend more than 10 feet above the height of the Tower.

E. Minimum Separation Distance. Any Wireless Service Facility Tower shall be separated from any other Tower, notwithstanding whether such other Tower is within the incorporated area of the City, by a minimum distance of one-half (1/2) mile. Separation distance shall be measured by a straight line between the bases of the Towers.

F. Lease. Where a Wireless Service Facility is to be installed on City-Owned property, a lease agreement acceptable to the City shall be provided. The City may require, as a condition of entering into a lease agreement, the dedication of space on the facility for public health and safety purposes, as well as property improvement on the leased space. Any dedications and improvements shall be negotiated prior to the execution of the lease.

SECTION 10. Variance Provisions.

Where a proposed Wireless Service Facility Owner is able to demonstrate, based upon verifiable evidence, that its proposed Facility cannot be developed under the terms of this Ordinance, the following will apply:

A. A Major Site Plan that meets the requirements of Section 5(B)1-2 hereof shall be submitted. As part of the Plan, the application shall clearly indicate the specific reasons why a variance is justified and provide supporting documentation.

B. Upon receipt of a complete Major Site Plan application, the City shall commission a review by a professional consultant with appropriate technical experience to review the plan and all supporting documentation. The cost of this review shall be borne by the applicant. No review shall commence until the cost recovery arrangement is finalized and no authorization shall be issued until all payments due to the City have been paid in full.

C. In reviewing the proposal, the Zoning Board of Adjustment may impose conditions it reasonably determines are warranted to minimize negative community impacts.

SECTION 11. Protection of the City and its Residents.

A. Indemnification. The City shall not enter into any lease agreement until and unless the City obtains adequate indemnity in the agreement from such provider. The indemnity must at minimum:

1. Release the City from and against any and all liability and responsibility in or arising out of the construction, operation or repair of a Wireless Service Facility, provided that such release from liability shall not apply to intentional or negligent acts or omissions of the City. Each Wireless Service Facility owner must further agree not to sue or seek any money or damages from the City in connection with the above mentioned matters.

2. Indemnify and hold harmless the City, its trustees, elected and appointed officers, agents, servants and employees, from and against any and all claims, demands, or causes of action of whatever kind or nature, and the resulting losses, costs, expenses, reasonable attorneys' fees, liabilities, damages, orders, judgments, or decrees, sustained by the City or any third party arising out of, or by reason of, or resulting from each Wireless Service facility operator, or its agents, employees or servants' negligent acts, errors or omissions.

3. Provide that the covenants and representations relating to the indemnification provision shall survive the term of any agreement and continue in full force and effect as to the party's responsibility to indemnify.

B. Insurance. The City may not enter into any lease agreement until and unless the City obtains assurance that an operator (and those acting on its behalf) has adequate insurance (amount to be determined at time of agreement). At a minimum, the following requirements must be satisfied:

1. A Wireless Service Facility owner shall not commence construction or operation of the facility without obtaining all insurance required under this section and approval of such insurance by the Risk Manager of the City, nor shall a Wireless Service Facility owner allow any contractor or subcontractor to commence work on its contract or subcontract until all similar such insurance required of the same has been obtained and approved. The required insurance must be obtained and maintained for the entire period the Facility is in existence. If the operator, its contractors or subcontractors do not have the required insurance, the City may order such entities to stop operations until the insurance is obtained and approved.

2. Certificates of insurance, reflecting evidence of the required insurance, shall be filed with the City's Risk Manager. The certificates shall be filed prior to the commencement of construction and once a year thereafter, and as provided below

in the event of a lapse in coverage. The City shall be named as Additional Insured under all insurance contracts required by this Section.

3. These certificates shall contain a provision that coverages afforded under these policies will not be canceled until at least thirty days (30) prior to written notice being given to the City Risk Manager. Policies shall be issued by companies authorized to do business under the laws of the State of Florida, and with a Bests Rating of A+, in order to gain acceptance.

4. In the event that the insurance certificate provided indicates that the insurance shall terminate or lapse during the period of the lease agreement with the City, the Wireless Service Facility owner shall furnish, at least thirty (30) days prior to the expiration of the date of such insurance, a renewed certificate of insurance as proof that equal and like coverage has been secured for the balance of the lease agreement period.

5. Comprehensive General Liability. A Wireless Service Facility owner and its contractors or subcontractors engaged in work on the operator's behalf, shall maintain minimum insurance in the amount of \$5,000,000 to cover liability, bodily injury and property damage. Exposures to be covered are: premises, operations and those certain contracts relating to construction, installation or maintenance of the Wireless Service Facility. Coverage shall be written on an occurrence basis and shall be included, as applicable, in the lease agreement between the City and the Wireless Service Facility operator.

SECTION 12. Penalties. Any person, firm or corporation who knowingly breaches any provision of this Ordinance shall upon receipt of written notice from the City be given a time schedule to cure the violation. Failure to commence to cure within thirty (30) days and to complete cure, to the City's satisfaction, within sixty (60) days, or such longer time as the City may specify, shall result in revocation of any permit or license and the City shall seek any remedy or damages to the full extent of the law.

SECTION 13. Code Modification.
The Land Development Code shall be modified to incorporate the changes provided for herein.

SECTION 14. Severability.
If any section, sentence, clause or phase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 15. Effective Date.
This Ordinance shall become effective as provided by law.

PASSED AND APPROVED on the first reading this 3rd day of May, 2000.

PASSED AND APPROVED on the second reading this 17th day of May, 2000.

APPROVED:



MICHAEL D. BROWN, MAYOR



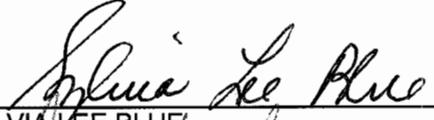
EDWARD RODGERS, CHAIRPERSON



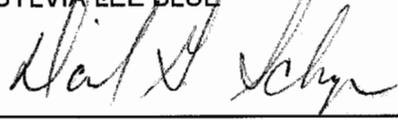
ELIZABETH WADE, CHAIR PRO-TEM



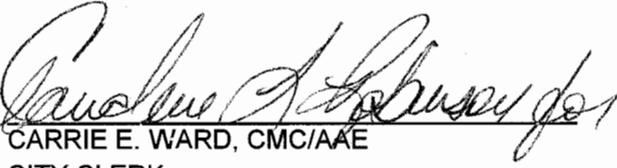
DONALD R. WILSON



SYLVIA LEE BLUE



DAVID G. SCHNYER
COUNCILMEMBERS



CARRIE E. WARD, CMC/AE
CITY CLERK

MOTION BY: E. Wade

MOTION BY: E. Wade

SECOND BY: D. Schnyer

SECOND BY: S. Blue

	1 ST READING	2 ND & FINAL READING
E. RODGERS	<u>aye</u>	<u>aye</u>
E. WADE	<u>aye</u>	<u>aye</u>
D. WILSON	<u>aye</u>	<u>aye</u>
S. BLUE	<u>nay</u>	<u>aye</u>
D. SCHNYER	<u>aye</u>	<u>aye</u>

REVIEWED AS TO LEGAL SUFFICIENCY



CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 4-28-2000

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

5-17-00
Date


Carrie E. Ward, CMC/AEE, City Clerk

ORDINANCE NO. 2858

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN BY ASSIGNING THE FUTURE LAND USE DESIGNATION OF MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (UP TO 15 DWELLING UNITS PER ACRE) TO 51.49 ACRES OF LAND LOCATED ON THE WEST SIDE OF MILITARY TRAIL AND NORTH OF THE LONE PINE ESTATES; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE FUTURE LAND USE MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida "Local Government Comprehensive Planning and Land Development Regulation Act" of 1985 provides procedures to amend the adopted Comprehensive Plan; and

WHEREAS, the subject property is currently designated "Single-Family Residential" (up to eight [8] dwelling units per acre) on the City of Riviera Beach Future Land Use Map; and

WHEREAS, the applicant Communities Finance Company and its agent Land Design South is requesting to amend the City of Riviera Beach Future Land Use Map to designate "Medium Density Multi-Family Residential" (up to fifteen [15] dwelling units per acre) on 51.49 acres of land located on the west side of Military Trail and north of the Lone Pine Estates; and

WHEREAS, on April 13, 2000, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed change at a Public Hearing, and forwarded a recommendation to the City Council; and

WHEREAS, the City Council sitting as the Local Governing Body, reviewed the request and recommendations and conducted a Public Hearing and first reading of this ordinance; and

WHEREAS, pursuant to Florida Statutes 163.3184, entitled "Process for Adoption of Comprehensive Plan or Plan Amendment," the City transmits this amendment to the Florida Department of Community Affairs for review and comment.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

Section 1. The Future Land Use Map in the Riviera Beach Comprehensive Plan is hereby amended to assign "Medium Density Multi-Family Residential" (up to fifteen [15] dwelling units per acre) on 51.49 acres legally described as follows:

Legal Description:

A parcel of land situate in the Northwest one-quarter (NW 1/4) of Section 36, Township 42 South, Range 42 East, within the municipal limits of the City of Riviera Beach, Palm Beach County, Florida and being more particularly described as follows:

Commencing at the Northwest Corner of said Section 36; thence South 01 degrees, 49 minutes 15 seconds West, along the West line of the Northwest one-quarter (NW 1/4) of said Section 36, a distance of 995.41 feet to the point on the North line of the South one-quarter (S 1/4) of the North one-half (N 1/2) of the Northwest one-quarter (NW 1/4) of said Section 36, said point also being the point of beginning; thence South 88 degrees, 26 minutes, 43 seconds East, departing said West line and along said North line, a distance of 2617.88 feet to the West right-of-way line of Military Trail (100' Right-of-Way); thence South 01 degree, 53 minutes 30 seconds West, departing said north line and along said West line, a distance of 1007.12 feet; thence North 88 degrees, 37 minutes, 36 seconds West, departing said West line, a distance of 626.27 feet; thence North 01 degree, 22 minutes 24 seconds East, a distance of 199.59 feet; thence North 88 degrees, 26 minutes, 43 seconds West, a distance of 1988.82 feet to a point in the West line of said Northwest one-quarter (NW 1/4) of said Section 36 and a point in the East Right-of-Way line of Haverhill Road (100' posted and viewed), as recorded in the Minutes of the County Commissioners Book 9, Page 434, Public Records of Palm Beach County, Florida; thence along said East and West lines, a distance of 809.50 feet to the point of beginning.

Containing 2,243,302 square feet or 51.49 acres, more or less.

Section 2. The Director of Community Development is hereby authorized and directed to amend the City's Future Land Use Map by designating all changes described by this Ordinance.

Section 3. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

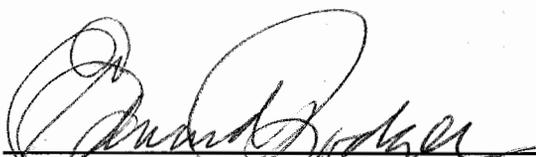
Section 4. That the effective date of this Ordinance shall be following the successful completion of the State Land Planning Agency review and compliance procedures for Comprehensive Plan Amendments in accordance with Section 163.3184, Florida Statutes.

PASSED AND APPROVED on First Reading this 17th day of May, 2000.

PASSED AND ADOPTED on Second Reading this 1st day of November, 2000.

APPROVED:


MICHAEL D. BROWN, MAYOR

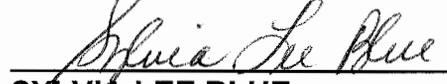

EDWARD RODGERS, CHAIRPERSON

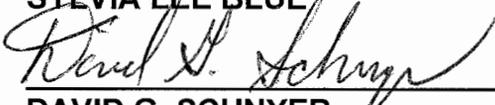
[MUNICIPAL SEAL]


ELIZABETH WADE, CHAIRPERSON PRO-TEM

ATTEST:


CARRIE E. WARD, CMC/AAE
CITY CLERK


SYLVIA LEE BLUE


DAVID G. SCHNYER


DONALD R. WILSON
COUNCIL MEMBERS

FIRST READING

SECOND AND FINAL READING

MOTIONED BY: E. Wade

MOTIONED BY: S. Blue

SECONDED BY: S. Blue

SECONDED BY: D. Wilson

E. RODGERS aye

E. RODGERS aye

E. WADE aye

E. WADE aye

S. BLUE aye

S. BLUE aye

D. SCHNYER aye

D. SCHNYER aye

D. WILSON aye

D. WILSON aye

REVIEWED AS TO LEGAL SUFFICIENCY
City Attorney
City of Riviera Beach


Date 5-10-2000

ORDINANCE NO. 2858
PAGE 4

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by applicable Florida Statutes.

Oct 16, 2000

Date

Carrie E. Ward

Carrie E. Ward, CMC/AAE, City Clerk

May 5, 2000

wireless services, and common carrier wireless exchange access services. Wireless services shall not be considered as essential services, public utilities or private utilities.

T. **“Wireless Service Facility” or “Facility”** means a facility for the provision of Wireless or Essential Communications Services including without limitation cables, wires, lines, wave guilds, antennas, towers, other supporting structures, associated structures and any other equipment that is used or associated with the provision of such services. The term Wireless Service Facility shall specifically exclude amateur radio transmitting towers and Broadcasting (radio and television) Facilities including without limitation High Definition Television Facilities. An open video system is not a Wireless Service Facility to the extent that it provides only video services. A cable system is not a Wireless Service Facility to the extent that it provides only cable service.

U. **“State of the Art”** means existing technology, which is readily available and compatible for a specific type of provider’s technology, where the level of facilities, technical performance, capacity, equipment, components and service are equal to that developed and demonstrated to be more technologically advanced than generally available for comparable service areas.

V. **“Stealth Facility”** means a facility that is disguised, hidden, part of an existing or proposed structure, and/or placed within an existing or proposed structure in a manner that makes it not readily identifiable as a Wireless Services Facility. An Stealth Facility may or may not have a secondary function (e.g., bell tower, spire, flag pole, etc.). This term shall be synonymous with "Camouflaged Facility."

W. **“Tower Height”** means the vertical distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad platform but not including any antenna or lighting rods which extend vertically from the highest point of the structure, which shall not extend more than ten (10) feet above height of Tower.

X. **“Tower”** means any structure, and support thereto, designed and constructed primarily for the purpose of supporting one or more antennas intended for transmitting or receiving Wireless or Essential Communication Services, including Lattice, Monopole and Guyed towers. The term includes Wireless Service Facilities for the provision of commercial mobile services, unlicensed wireless services (telecommunications services using duly authorized devices which do not require individual licenses), common carrier wireless exchange access services, and Essential Communications Services. The term does not include transmission towers, amateur radio transmitting towers and broadcast facilities, and shall not include mounting hardware or structures used to attach antennas to rooftops, or to prevent interference from or with other building-mounted structures, subject to the limitations of Section 8 hereof.

Y. **“Unlicensed Wireless Service”** means the offering of telecommunications service using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

Z. **“Whip Antenna”** means a cylindrical antenna that transmits signals in 360 degrees.

SECTION 4. Wireless Service Facility Use Regulations; Applicability.

The following regulations shall apply to new Wireless Service Facility uses as of the effective date of this Ordinance. It shall not govern any Broadcasting Facility, one

ORDINANCE NO. 2859

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 RPUD (1) PLANNED UNIT DEVELOPMENT ON 99.5 ACRES OF LAND LOCATED ON THE WEST SIDE OF MILITARY TRAIL ADJACENT TO AND NORTH OF LONE PINE ESTATES; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE ZONING MAP AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Chapter 166.041 provides procedures to adopt an ordinance involving ten (10) contiguous acres or more; and

WHEREAS, the subject property is currently assigned RS-5 Single-Family zoning classification; and

WHEREAS, on April 13, 2000, the Planning and Zoning Board reviewed the proposed zoning change from RS-5 Single-Family to RPUD(1) Planned Unit Development, and forwarded a recommendation to the City Council; and

WHEREAS, the City Council sitting as the Local Governing Body conducted a Public Hearing and first reading of this ordinance; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

Section 1. The Zoning Map in the City of Riviera is hereby amended to assign RPUD(1) Planned Unit Development on 99.5 acres of land located on the west side of Military Trail adjacent to and north of Lone Pine Estates. The legal description is as follows:

Parcel 17.03

A parcel of land situate in Section 36, Township 42 South, Range 42 East, within the Municipal limits of the City of Riviera Beach, Palm Beach County, Florida and being more particularly described as follows:

The South half (S $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) of said Section 36 and the South quarter (S $\frac{1}{4}$) of the North half (N $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) of said Section 36. Less and excepting therefrom the rights-of-way of Military Trail and Haverhill Road. Also less that certain parcel of land described in Official Record Book 6447, at Page 1308, Public Records of Palm Beach County, Florida.

Containing 4,335,054 square feet or 99.51 acres, more or less.

Section 2. The Director of Community Development is hereby authorized and directed to update the City's Zoning Map by assigning all zoning classifications described by the Ordinance.

Section 3. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of the Ordinance.

Section 4. The effective date for the enactment of this Ordinance shall be immediately upon the adoption hearing.

PASSED AND APPROVED on First Reading this 17th day of May 2000.

PASSED AND ADOPTED on Second Reading this 1st day of November 2000.

APPROVED:

Michael D. Brown
MICHAEL D. BROWN, MAYOR

Edward Rodgers
EDWARD RODGERS,
CHAIRPERSON

[MUNICIPAL SEAL]

Elizabeth Wade
ELIZABETH "LIZ" WADE,
CHAIRPERSON PRO-TEM

Sylvia Blue
SYLVIA BLUE

ATTEST:

Carrie E. Ward
CARRIE E. WARD, CMC/AAE
CITY CLERK

David Schnyer
DAVID SCHNYER

Donald R. Wilson
DONALD R. WILSON
COUNCIL MEMBERS

	<u>1st Reading</u>	<u>2nd & Final Reading</u>
MOTIONED BY:	<u>E. Wade</u>	<u>S. Blue</u>
SECONDED BY:	<u>S. Blue</u>	<u>D. Wilson</u>
E. RODGERS	<u>aye</u>	<u>aye</u>
E. WADE	<u>aye</u>	<u>aye</u>
S. BLUE	<u>aye</u>	<u>aye</u>
D. SCHNYER	<u>aye</u>	<u>aye</u>
D. WILSON	<u>aye</u>	<u>aye</u>

Reviewed as to legal sufficiency

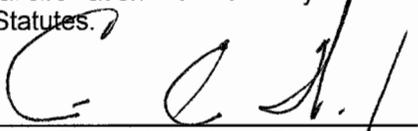
Matthew C. Russell
City Attorney, City of Riviera Beach

Date: 5-10-2000

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

Oct. 16, 2000
Date


Carrie E. Ward, CMC/AE, City Clerk

ORDINANCE NO. 2860

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 14-75(g)(1) BY ADDING SUBSECTION (e), CHAPTER 14, ARTICLE IV OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE POLICE OFFICERS' PENSION PLAN TO ALLOW THE INVESTMENT OF FUND ASSETS IN REAL PROPERTY; PROVIDING FOR A REPEALER; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Trustees of the Riviera Beach Police Officers' Pension Plan has, pursuant to Section 185.06, Florida Statutes, requested the City Council to authorize the investment of Fund assets in real property; and

WHEREAS, the City Council has determined that, in certain circumstances, real property may present appropriate opportunities for the investment of Fund assets.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA;

SECTION 1. That Section 14-75(g)(1) of Article IV, Chapter 14 of the Riviera Beach Code is hereby amended by adding the following subsection (e):

- (g) The Board of Trustees may:
 - (1) Invest and reinvest the assets of the Retirement Fund in:
 - (e) Interests in or obligations secured by real property, the cost of which shall not exceed five percent (5%) of the Fund's assets.

ORDINANCE NO. 2860

Page 2

SECTION 2. That all sections or parts of sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 3. If any word, phrase, clause, subsection or sections of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not effect the validity of any remaining portions of this Ordinance.

SECTION 4. Specific authority is hereby granted to codify this Ordinance.

SECTION 5. That this Ordinance shall be in full force and effective immediately upon its final passage and adoption.

PASSED AND ADOPTED on first reading this 7TH **day of**
JUNE, 2000.

PASSED AND ADOPTED on second and final reading this 21ST
day of JUNE, 2000.

APPROVED:


MICHAEL D. BROWN
MAYOR

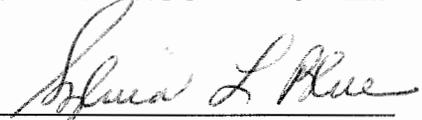

EDWARD RODGERS
CHAIRPERSON

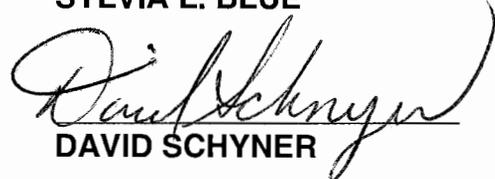
(MUNICIPAL SEAL)


ELIZABETH WADE
CHAIRPERSON PRO TEM

ATTEST:


CARRIE E. WARD, CMC/AE
CITY CLERK


SYLVIA L. BLUE


DAVID SCHYNER


DONALD WILSON
COUNCIL MEMBERS

Motioned by: E. WADE
Seconded by: S. BLUE

Motioned by: E. Wade
Seconded by: D. Schyner

1ST READING

E. RODGERS AYE

E. WADE AYE

S. BLUE AYE

D. SCHYNER AYE

D. WILSON AYE

2ND & FINAL READING

AYE

AYE

AYE

AYE

AYE

ORDINANCE NO. 2860
PAGE 4.

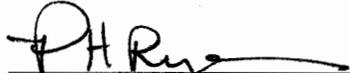
CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

DATE

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

REVIEWED AS TO LEGAL SUFFICIENCY



CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE 5/30/00