

**CITY OF RIVIERA BEACH
REGULAR CITY COUNCIL MEETING
September 15, 2021
6:00 p.m.**

PRESENT AT MEETING¹:

MAYOR RONNIE FELDERMAYOR FELDER
CHAIRPERSON SHIRLY D. LANIER DISTRICT 3CHAIRPERSON LANIER
CHAIR PRO TEM KASHAMBA MILLER- ANDERSON DISTRICT 2
CHAIR PRO TEM MILLER-ANDERSON
COUNCILPERSON TRADRICK MCCOY, DISTRICT 1
COUNCILPERSON MCCOY
COUNCILPERSON DOUGLAS A. LAWSON, DISTRICT 5
COUNCILPERSON LAWSON
COUNCILPERSON JULIA A. BOTEL, DISTRICT 4 COUNCILPERSON BOTEL
CITY MANAGER JONATHAN EVANS.....CITY MANAGER EVANS
CITY CLERK CLAUDENE L. ANTHONYCITY CLERK ANTHONY
CITY ATTORNEY DAWN S. WYNNCITY ATTORNEY WYNN

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¹ List of City Employees, Public Speakers and Others on Page 79

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
MINUTES OF THE CITY COUNCIL MEETING
HELD SEPTEMBER 15, 2021, 6:00 p.m.**

(The following may contain unintelligible or misunderstood words due to the recording quality.)

CALL TO ORDER

Chairperson Lanier: Good evening. We are calling the [stammer].., calling to order the meeting of the Regular City Council Meeting, September 15, 2021, 6:27 p.m.

ROLL CALL

Chairperson Lanier: Madam Clerk

City Clerk Anthony: Mayor Ronnie Felder?

Mayor Felder: Here.

City Clerk Anthony: Chairperson Shirley Lanier?

Chairperson Lanier: Here.

City Clerk Anthony: Chair Pro Tem KaShamba Miller-Anderson?

Chair Pro Tem Miller-Anderson: Present.

City Clerk Anthony: Councilperson Tradrick McCoy?

Councilperson McCoy: Yes.

City Clerk Anthony: Councilperson Julia Botel?

Councilperson Botel: Here.

City Clerk Anthony: Councilperson Douglas Lawson?

Councilperson Lawson: Here.

City Clerk Anthony: City Manager Jonathan Evan?

City Manager Evans: Present.

City Clerk Anthony: City Clerk Claudene Anthony is present. City Attorney Dawn Wynn?

City Attorney Wynn: Here.

City Clerk Anthony: Thank you, Madam Chair.

INVOCATION

PLEDGE OF ALLEGIANCE

Chairperson Lanier: We will have a moment of silence and the Pledge of Allegiance by Councilwoman KaShamba Miller-Anderson.

[Moment of silence]

Chair Pro Tem Miller-Anderson: I pledge allegiance...

All: ...to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible with liberty and justice for all.

AGENDA APPROVAL

ADDITIONS, DELETIONS, SUBSTITUTIONS

Chairperson Lanier: Are there any additions, deletions, or substitutions for our Agenda this evening, from Staff or from the Board?

Councilperson McCoy: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson McCoy: I would like to see if we can delete Item 22, 23, and 24 from the Agenda because there's a.., there seems to be an error with the publication of the effected notice that went, that went out.

I shared it with Ms...

Chairperson Lanier: 22...

Councilperson McCoy: ...Wynn.

Chairperson Lanier: ...23... And, what is it? Is this all one Item? Yeah. It is all one Item.

City Manager Evans: They're, they're interrelated, Madam Chair.

Chairperson Lanier: Alright. So, what is your response to this, Mr. Evans, in regards to notice?

City Manager Evans: Madam Chair, I was just provided this information a moment ago, so I haven't had an opportunity to take a look at it or have the discussion with Staff. But, we concur with those Items being pulled, as well as Item 30.

Chairperson Lanier: 30 is related to?

City Manager Evans: Fire Station 86.

Chairperson Lanier: Very good. If it pleases the Board.

Chair Pro Tem Miller-Anderson: 22 [inaudible]...

Councilperson McCoy: Que'... So, question?

Chairperson Lanier: Go... Go... 22, 23, 24 and No...

Chair Pro Tem Miller-Anderson: 30.

Chairperson Lanier: 30. You had something, Mr. McCoy?

Councilperson McCoy: I guess I just wanted to, I guess, ask the question specifically related to the...

Chairperson Lanier: Is it related to one of the Items?

Councilperson McCoy: It's related to one of the Resolutions. And I'm trying to get to the Resolution regarding the SEIU.

Chairperson Lanier: Is that one of the...

Councilperson McCoy: I don't wanna delete it. I guess I wanted to see if we can perhaps...

Chairperson Lanier: Do what?

Councilperson McCoy: ...move it ahead of... Well, I guess I'm trying to see..., if we're removing three Ordinances, that may not need..., it may not even be necessary.

Chair Pro Tem Miller-Anderson: No.

Chairperson Lanier: No. Not... I don't think so.

Chair Pro Tem Miller-Anderson: [Inaudible] on Consent.

Chairperson Lanier: Yeah. And most of these are on Consent.

Councilperson McCoy: I'm sorry. Most of what is on Consent?

Chair Pro Tem Miller-Anderson: A lot...

Chairperson Lanier: A lot of the..., the Minutes of, of a couple of the Resolutions, about twelve community benefit requests.

Just, what is your pleasure, Mr. McCoy?

Councilperson McCoy: Okay. I wanted to... I, I think we're fine. So long as the budget Items aren't on Consent. No, they're not.

Councilperson Lawson: They're not.

Councilperson McCoy: So, no. We're fine.

Chairperson Lanier: Alright. Very good.

Councilperson McCoy: And then, obviously, what else..., whatever the other Members have.

Chairperson Lanier: Alright. Very good.

Councilperson Botel: Madam Chair?

Chairperson Lanier: We will have...

Councilperson Botel: Madam Chair? Madam Chair?

Chairperson Lanier: ...the deletions of 22, 23, and 24 and No. 30. Are there...

Councilperson Botel: Madam Chair?

Chairperson Lanier: ...any other additions, deletions, or substitutions for the Agenda this evening?

City Clerk Anthony: Madam Chair...

Councilperson Botel: Madam Chair?

City Clerk Anthony: ...Members of the Board, there are additional Items to be added to the Agenda, community benefits. And I believe Councilperson Botel is trying to get your attention, Madam Chair. I don't know...

Councilperson Botel: Thank you.

Chairperson Lanier: Councilperson Botel, what...

City Clerk Anthony: Was trying...

Councilperson Botel: Can you hear me?

City Clerk Anthony: ...to get your attention.

Chair Pro Tem Miller-Anderson: Can't really hear her.

Councilperson Botel: Can you hear...

Chairperson Lanier: Could you..., could we have some quiet from the audience, please?

Councilperson Botel: Can you hear me?

Chairperson Lanier: Yes. I can hear you now.

Councilperson Botel: Thank you. Could you..., could the Clerk please refresh my memory as to the vote on the Ordinance, No. 18, at its first reading?

[Inaudible comments]

Councilperson Botel: I believe it was unanimous but I, I wanna be sure before I... [Stammer] if it, if it wasn't, then I'm gonna ask that it be pulled from tonight's Agenda because I will not have an opportunity to vote on it.

City Clerk Anthony: Madam Chair, Members of the Board, I do not have a..., the record that reflects the vote that was taken for this Ordinance on fir'..., when it was on first reading. So, I'm unable to provide what the vote was that night.

Chairperson Lanier: Can you get it this evening?

City Clerk Anthony: I can try.

Chairperson Lanier: Very good.

City Clerk Anthony: [Chuckle].

Councilperson McCoy: Well, Madam Chair, but, you know, even trying to understand what Councilwoman Botel is suggesting, I don't think that that..., that, that's impertinent anyways. I mean...

[Inaudible comment]

Councilperson McCoy: I mean, just to cancel it because...

Unk. Audience: She can't vote...

Councilperson McCoy: ...she can't vote...

Chairperson Lanier: She has... You pulled Items, she has the opportunity to pull Items as well...

Councilperson McCoy: No.

Chairperson Lanier: ...sir.

Councilperson McCoy: Well, Madam Chair?

That., so, let me clarify. I pulled Items because there was lack of legal sufficiency, and I think the Attorney, and also the Manager, concurred.

[Inaudible audience comment]

Councilperson McCoy: But what I'm...

Chairperson Lanier: They did not concur.

Councilperson McCoy: Can I, can I finish?

Chairperson Lanier: Go ahead.

Councilperson McCoy: I., in fact, I did speak to Ms. Wynn and she did concur. In fact, we have the proof here. But, I guess, I'm not understanding. She wants to pull it

because, whether it was unanimous or not? I mean, that is not a right that's granted with Members. If there is opposition, then we can do a roll call vote, but just for the purposes of she not being here doesn't suffice as to why you wouldn't want to call the...

Chairperson Lanier: I...

Councilperson McCoy: You know, at least hear the Item.

And, here's the other reason. I understand that we had three Items that..., 22, 23 and 24, that may have been done inadvertently with an error, but there was nothing wrong with this Item. In fact, it was advertised and published because this was on second reading. And to just take it off arbitrarily for convenience, doesn't make sense to me. If that's the case, let's gut the whole Agenda tonight and go home.

Chairperson Lanier: Well, if you want to pull additional Items, you can, sir.

Councilperson McCoy: I'm not asking about pulling, I'm objecting to her deleting them.

Chairperson Lanier: And you have the right to do that. Your objection is noted.

Councilperson McCoy: Okay. But, one Member, Madam Chair, cannot decide to delete...

Chairperson Lanier: Your...

Councilperson McCoy: ...an Item.

Chairperson Lanier: ...objection is...

Councilperson McCoy: Can I finish?

Chairperson Lanier: ...noted, sir. Go ahead.

Councilperson McCoy: One Member cannot delete an Item, unless... If you want, call the roll call on it. That's all.

Chairperson Lanier: Thank you, sir.

[Inaudible audience comment]

Chairperson Lanier: Are there... If there are any questions or issues from the audience, there's an opportunity, at public comment, to voice your consent, opposition, to any of these Items that are listed on the Agenda. Each Item, you can comment at that time. So I please ask the audience to refrain from crosstalk in the middle of our meeting, to be able to hash out these issues in regards to these Items. Our job here this evening is to be able to do the business of the City, and to do it unencumbered from crosstalk and from any issue that you may have, because there is each and every opportunity afforded to you to be able to have a say on each of these Items.

Our job is to serve the public. Our job is to give you every opportunity to say what you want to say in regards to any...

[Inaudible audience comment]

Chairperson Lanier: ...and to any of these Items. We have a officer at the door, and if we continue to have crosstalk, I will ask for you to be removed from the building.

So, we have Items No. 22 and No. 23 and No. 24 that have been pulled. And we have No. 30 that has been pulled. Are you requesting, Dr. Botel, that... What Item was that, you asked for?

Councilperson McCoy: 18.

Chairperson Lanier: 18. Are you requesting that 18 be pulled?

Councilperson Botel: Yes.

Chairperson Lanier: Very good.

Councilperson McCoy: Okay. And my objection, I want a roll call on that Item, Madam Chair.

Chairperson Lanier: You cannot [chuckle] request a roll call, sir. Please...

Councilperson McCoy: I, I believe I can.

Chairperson Lanier: I, I, I am still in the middle of going through the Agenda. So...

Councilperson McCoy: Yeah. But...

Chairperson Lanier: ...I'll get... I, I will get'..., I will get to that.

Councilperson McCoy: Okay.

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson Lawson: I have three District 5 community benefit applications. I provided hard copies to the Council, and they were emailed out earlier today. E-Road Map Corporation for \$500; She Speaks International for \$250; Nelson's Outreach Ministries for \$250.

Thank you...

Chairperson Lanier: Very good.

Councilperson Lawson: ...Madam Chair.

Are you gonna place numbers on them, Madam Clerk? And I think we...

City Clerk Anthony: Yes, Madam Chair and...

Chairperson Lanier: And I think we...

City Clerk Anthony: ...Members of the...

Chairperson Lanier: ...have some...

City Clerk Anthony: ...Board. Huh?

Chairperson Lanier: We have some from Commissioner Miller-Anderson as well.

Chair Pro Tem Miller-Anderson: She can read it.

Chairperson Lanier: Alright. Could you add those... Is it four community benefits?

City Clerk Anthony: I have four... Ma'.., Madam Chair, Members of the Board, I have four community benefits to add to the Agenda.

From the Office of Councilperson Douglas Lawson, E-Road Map Organization in the amount of \$500. That will be 16A. 16B, from the Office Councilperson Lawson, Nelson Outreach Ministries in the amount of \$250. 16C, from the Office of Councilperson Lawson, She Speaks International in the amount of \$250. 16D, from the Office of Councilperson Miller-Anderson to the Parks & Rec Department for the Citywide Scavenger Hunt that is scheduled from October 15th to November 15, 2021 in the amount of \$7,500.

And that concludes all of the additions, deletions and revisions that I have, Madam Chair.

Chairperson Lanier: Very good.

Are there any other Items that are to be added or substituted or deleted from the Agenda, other than the iss'.., other than the ones that have been noted?

Again, Items 22, 23, 24, and Item No. 30, and Item No. 18 pulled from the Agenda. There are 16A, 16B, 16C, and 16D. To approve those additions, deletions or substitutions, can I get a motion to do that?

City Attorney Wynn: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

City Attorney Wynn: Because there was an objection by Councilperson McCoy, Item No. 18 should be voted on separately.

Chairperson Lanier: Okay. Let's take Item No. 18. Madam Clerk.

City Clerk Anthony: Madam Chair, I believe you need to put a motion on the floor as to whether or not to delete Item No. 18 from the Agenda. We do not have a motion on the floor.

Chairperson Lanier: Okay. We need, we need, we need to get a motion for that then.

[Pause]

Councilperson McCoy: So does it.., is the floor open or what?

Chairperson Lanier: Yes, sir.

[Pause]

Councilperson Botel: Madam Chair? In the interest... May, may I?

Chairperson Lanier: Yes. Go ahead.

Councilperson Botel: In the interest of moving along, I withdraw my request to have it removed. Let's just vote on it and see what happens. That's fine. Excuse me, let you vote on it. I won't, obviously...

Councilperson McCoy: Withdraw.

Councilperson Botel: Go ahead an vote on it. We'll see what happens.

Chairperson Lanier: Very good.

We have the request withdrawn..., the motion withdrawn. Madam Clerk, could you get me a roll call for the...

ADOPTION OF AGENDA

Councilperson McCoy: Move to approve with the additions and deletions.

Councilperson Lawson: Second.

Chairperson Lanier: Second.

Very good.

Roll call for the approval of the Agenda with the additions and the deletions.

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: Yes.

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: Yes.

City Clerk Anthony: Pro Tem Miller-Anderson?

Chair Pro Tem Miller-Anderson: Yes.

City Clerk Anthony: Chair Lanier?

Chairperson Lanier: Yes.

City Clerk Anthony: Motion approved.

Chairperson Lanier: Very good.

CONSENT AGENDA

Chairperson Lanier: The next Item on our Agenda is our Consent Agenda.

Chairperson Lanier: ALL MATTERS LISTED UNDER THIS ITEM ARE CONSIDERED TO BE ROUTINE AND ACTION WILL BE TAKEN BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCILPERSON SO REQUESTS, IN WHICH EVENT, THE ITEM WILL BE REMOVED FROM THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.

MINUTES

1. AUGUST 18, 2021 CITY COUNCIL MEETING MINUTES.

CLAUDENE L. ANTHONY, CMC, CITY CLERK, 561-845-4090

RESOLUTIONS

2. RESOLUTION 95-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT OF THE WORKERS' COMPENSATION CLAIM OF RONALD D. SIBEL V. CITY OR RIVIERA BEACH, OJCC CLAIM NO.: 15-026537TAH; AUTHORIZING GALLAGHER BASSETT SERVICES, INC. TO MAKE PAYMENT IN THE AMOUNT OF FOUR HUNDRED TWENTY-TWO THOUSAND TWO HUNDRED THIRTY-FIVE DOLLARS (\$422,235) AS FULL AND COMPLETE SETTLEMENT OF THE CLAIMS; AND PROVIDING FOR AN EFFECTIVE DATE.

DAWN S. WYNN, CITY ATTORNEY, 561-845-4068

COMMUNITY BENEFITS

5. INLET GROVE COMMUNITY HIGH SCHOOL - \$3,447.64 - MAYOR RONNIE FELDER- PROVIDING SUPPORT TO INLET GROVE COMMUNITY HIGH SCHOOL FOOTBALL TEAM.

6. NELSON'S OUTREACH MINISTRIES - \$500- MAYOR RONNIE FELDER- NELSON'S OUTREACH MINISTRIES IS AN ORGANIZATION THAT PROVIDES OUTREACH TO THE SURROUNDING COMMUNITIES. THIS MINISTRY PROVIDES WEEKLY FOOD AND CLOTHING DISTRIBUTION TO NEEDY FAMILIES.

7. DIXON ALTERNATIVE FAMILY SERVICES-\$1500.00-COUNCILMAN McCOY THE DIXON PROJECT PICKS UP AND DELIVERS MEALS TO THE ELDERLY, FEEDS THE HOMELESS, GIVES OUT HYGIENE PRODUCTS, FACE MASKS, HELPS WITH PAST DUE UTILITIES TO OUR MEN AN WOMEN ON PROBATION, WE HELP PAY PAST DUE PROBATIONS FEES TO OUR RIVIERA BEACH COMMUNITY.

8. FAITH DELIVERANCE CHURCH OF GOD-\$1500.00-COUNCILMAN TRADRICK MCCOY-FOOD PANTRY.

9. RIVIERA BEACH CARES HOMELESS COALITION FOR FAMILIES, INC.- \$1500.00- COUNCILMAN TRADRICK MCCOY- PROVIDES EMERGENCY SHELTER FOR RIVIERA BEACH RESIDENTS WITHIN 12-24 HOURS OF THEIR HOMELESS CRISIS. FAMILIES MUST HAVE A CHILD BETWEEN 0-18 YEARS OF AGE, SHOW PROOF OF RESIDENCE IN RIVIERA BEACH. ADDITIONAL SERVICES INCLUDE ASSISTANCE LINKING FAMILIES TO LOCAL AND COUNTYWIDE SUPPORT SERVICES AND NAVIGATION TOWARDS SUSTAINED LIVING SITUATION FOR QUALIFYING FAMILIES.

10. RIVIERA BEACH COMMUNITY OUTREACH-\$1500.00-COUNCILMAN TRADRICK MCCOY-PROVIDES SUPPLEMENTAL FOOD AND NUTRITION INFORMATION FOR FAMILIES AND INDIVIDUALS.

11. RIVIERA BEACH COMMUNITY OUTREACH - \$1000 - COUNCILPERSON SHIRLEY LANIER - THE COMMUNITY BENEFITS FUNDS WILL PROVIDE TOOLS THAT ASSIST FAMILIES WITH SUPPLEMENTAL FOOD AND NUTRITION INFORMATION.

12. THRIVE FOR A CHANGE - \$750 - COUNCILPERSON SHIRLEY LANIER - THE COMMUNITY BENEFITS FUNDS WILL SUPPORT THE RIVIERA BEACH COMMUNITY VOLUNTEER AWARDS.

13. 1ST STUDIO ARTS & CULTURAL CENTER - \$750 - COUNCILPERSON SHIRLEY LANIER- THE COMMUNITY BENEFITS WILL BE USED TO SUPPORT NUTRITIONAL PROGRAMS AIMING FOR POSITIVE HEALTH RELATED CHANGES IN THE COMMUNITY.

14. LISA'S LIL' WONDERS - \$750 - COUNCILPERSON SHIRLEY LANIER - THE COMMUNITY BENEFITS FUNDS WILL BE USED TO SUPPORT THE ENRICHMENT PROGRAM AND HEALTHY ENVIRONMENT FOR THE YOUTH.

15. OPERATION HOPE - \$1000 - COUNCILPERSON SHIRLEY LANIER - THE COMMUNITY BENEFITS FUNDS WILL BE USED TO SUPPORT RESIDENTS IN NEED OF FOOD AND PERSONAL ITEMS.

16. NELSON'S OUTREACH MINISTRIES -\$750 - COUNCILPERSON SHIRLEY LANIER - THE COMMUNITY BENEFITS FUNDS WILL BE USED TO SUPPORT WEEKLY FOOD AND CLOTHING DISTRIBUTIONS TO RESIDENTS IN NEED.

Chairperson Lanier: Are there any Items that are listed on the Consent Agenda that the Council would like to pull for further clarification?

Councilperson McCoy: Yes, Madam Chair.

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson McCoy: No. 4, please.

Chairperson Lanier: No. 4. And, also No. 3 for me.

Any other Items for clarification on the Consent Agenda? [Pause]. Very good.

Motion to approve this Item...

Councilperson McCoy: So moved.

Chairperson Lanier: ...with the...

Councilperson Lawson: Second.

Chairperson Lanier: Very good.

Madam Clerk.

City Clerk Anthony: Madam Chair, Members of the Board, we do have public comment...

Chairperson Lanier: Oh. Very good.

City Clerk Anthony: ...on the Consent Agenda. The acceptance of public comment on the Consent Agenda is now closed.

Lloyd Brown.

Mr. L. Brown: How ya doing?

You know, I was looking at all these benefits. Is it near election time?

Unk. Audience: Mhmm.

Mr. L. Brown: I mean, it's a lotta benefits up there. I wanna know, is it close to some kinda election coming here? I mean, they're cleaning up the parks, they're cleaning up the alleys. I mean, what's up with that? I mean, [chuckle], I see ya'll sittin' there like ya'll are dumbfounded, but you know I'm talking to all ya'll.

Is there something going on? All these benefits? I mean, the mafia used to bribe people. They used to kick ass to get somebody to do what they wanted them to do. So, what'ch you do? You give 'em money? I wouldn't care what you do. I wouldn't put you back in.

You know, one lady came to me and she got me over thee at.., to the Library and I talked about being here in Riviera Beach. And you know what was so hard about that? She was a white lady. She wasn't none of ya'll. And ya'll know I lived here all my life, but nobody came to me and said, 'Well, Mr. Brown, you've been here all your life, well, could you tell us how Riviera Beach was?' 'Well, when it was a white area, most people politicians were in, even if they didn't want us to be around the white kids, whatever, we had more recreation, we had more things going on.

And, you know what? Now that it's a.., mainly a black politicians, looks like we don't have.., I don't wanna say that word, I'll just say, nothing going on that benefits us. I mean, if you look out through the neighborhood, you got rentals, that are rented by other people. I know people who own those places.

A woman in Riviera Beach can never own property if she's on the welfare, because ya'll don't have no program to try to help these people. And you know I know I'm talking about the benefits, but you know what? A guy came to me and said because the young boys don't wanna work. When he was coming up, he worked with his dad. Well, he hit the nail right on the head. He worked with his dad.

And you know what? These kids out here right now, they don't have no help from you, or their mothers, because their mothers got four kids from four different guys, these guys come over with brand new two hundred dollar shoes. These kids wanna grow up to be like these guys. I wanted to get dirty and oily my daddy. I wanted to play basketball like my brother. Or the guys that was at the park. 'Cause we had that kinda stuff going on.

Now that you people are in here... Oh, I better not say that 'cause I sound like Archie Bunker. You's people are in here, whatever, you coloreds are in here now, ya'll terrible.

Cause ya'll coloreds.

Mr. L. Brown: 'Cause ya'll coloreds. Archie Bunker had the right word for you, 'cause you ain't helping at all. The past ten years, the City, for black people, done went down, down, down. I got eighteen minutes, I should just hum.

Let me tell you about a song that's called.., by Stevie Wonder, called Big Brother. You only show up during election time. And that's the truth. You're like a, a book that you see the cover, it's so good but then when you open it up, it ain't about...

[Timer]

[Inaudible audience comment]

Chairperson Lanier: Thank you, sir.

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson Lawson: I do believe, in reference to the speaker's comments, that it's last day before money is returned to Waste Management.

But, if Mr. Sherman could give clarity on why there's a, a substantial amount of community benefits on here. Just for clarity for our speakers and our residents.

[Inaudible audience comments]

Finance and Administrative Services Director Sherman: Good evening. Randy Sherman...

Chairperson Lanier: Good evening.

Finance and Administrative Services Director Sherman: ...Finance Director.

Community benefits have a timeframe. If they are not all approved by the end of September, the money lapses and actually is returned back to Waste Management. So, you know, that's why we usually see a lot towards the end of the six month cycle.

Councilperson Lawson: Thank you, Mr. Sherman.

Thank you, Madam Chair.

Chairperson Lanier: Thank you.

Are there any other public comments for the Consent Agenda?

City Clerk Anthony: No, Madam Chair.

Chairperson Lanier: Thank you.

Can we get a roll call for that? Thank you.,

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: Yes.

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: Yes.

City Clerk Anthony: Pro Tem Miller-Anderson?

Chair Pro Tem Miller-Anderson: Yes.

City Clerk Anthony: Chair Lanier?

Chairperson Lanier: Yes.

City Clerk Anthony: Motion approved.

END OF CONSENT AGENDA

Chairperson Lanier: Let's go to the next item, those two that were pulled.

City Clerk Anthony: Item 2. Resolution 95-21 A Resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, authorizing settlement of the workers' compensation claim of Ronald D. Sibel v. City of Riviera Beach, OJCC Claim No.: 15-026537tah; authorizing Gallagher Bassett Services, Inc. to make payment in the amount of four hundred twenty-two thousand two hundred thirty-five dollars (\$422,235) as full and complete settlement of the claim; and providing for an effective date.

Chairperson Lanier: Could we get a explanation? Did I pull this No. 2?

Councilperson Lawson: Madam Chair?

City Clerk Anthony: Yes, Madam Chair. You did.

Chairperson Lanier: I, I...

Councilperson Lawson: No.

Chairperson Lanier: I really wanted it to be No. 3. That was the one.

City Attorney Wynn: I thought it was 3 and 4.

Chairperson Lanier: But that's okay.

Councilperson Lawson: Madam Chair, it was 3 and 4.

City Attorney Wynn: I thought so.

Chairperson Lanier: It was 3... I know it was 3 and 4.

Councilperson Lawson: It wasn't 2.

City Clerk Anthony: My apologies. [Inaudible].

Chairperson Lanier: Alright. Very good.

3. City Clerk Anthony: Item No. 3.

Madam Chair, Members of the Board...

Councilperson McCoy: [Stammer]...

City Clerk Anthony: ...the Resolution Number that's reflected on this Item is correct. However, members of the public may see that it has a different Resolution number. The Resolu'.., the Agenda that was published, was published with an incorrect Resolution number.

Councilperson McCoy: I'm sorry.

Chairperson Lanier: Say that again?

Councilperson McCoy: Clarify.

City Clerk Anthony: The Resolution number that's on the Agenda, on the web, it states that it's 85-20. That Resolution number is incorrect. On the Agenda that you have before you, the printed co'.., Agenda, Resolution No. 105-21 is what the correct Resolution Number is. And the copies that were provided for the public has the correct number on it.

Chairperson Lanier: Very good.

Madam Attorney.

City Attorney Wynn: We need to read it.

City Clerk Anthony: RESOLUTION NUMBER 105-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT IN THE CASE OF KWAMAIN O'NEAL V. THE CITY OF RIVIERA BEACH, CLAIM NO.: 000160-007952-PP-01; AUTHORIZING GALLAGHER BASSETT TO MAKE PAYMENT IN THE AMOUNT OF FIFTY-FIVE THOUSAND DOLLARS (\$55,000) AS FULL AND FINAL SETTLEMENT; AND PROVIDING AN EFFECTIVE DATE.

DAWN S. WYNN, CITY ATTORNEY, 561-845-4068

Councilperson McCoy: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson McCoy: So, that.., I, I got my numbers wrong. That's the one I wanted to pull. So, when we do No. 4, we don't need a presentation on that, but I wanted to see...

Chairperson Lanier: That...

Councilperson McCoy: ...if we can get a presentation on this one. This is what I really wanted. I got my numbers incorrect.

So, I guess I'm...

Chairperson Lanier: Madam Clerk... I mean, I'm sorry. Madam Attorney.

City Attorney Wynn: Yes, Madam Chair. Thank you.

Chairperson Lanier: Go ahead.

City Attorney Wynn: As the Clerk stated, this case is Kwaman O'Neal v. The City of Riviera Beach. This.., the Council may recall this case, or some of the facts of this case. This was an [stammer] an excessive use of force case, stemming from the arrest of Mr. O'Neal by the Riviera Beach Police Department, and the use of.., or, the excessive use of force by a canine officer and his canine dog.

According to the affair'.., Internal Affairs investigation, they found that the officer acted inconsistent with his canine responsibilities and his canine training, that he used excessive force. He failed to exercise his duties with a minimum amount of the countermeasures necessary to apprehend the suspect, and he failed to use the resources that were present at the scene.

The claimant initially made a demand of \$400,000. We were able to settle this claim for \$55,000, inclus'.., inclusive of attorney's fees and costs. We believe that this settlement is in the best interest of the City.

Councilperson McCoy: Madam Chair?

Councilperson Lawson: Ma'...

Chairperson Lanier: Yes. Go ahead.

Councilperson McCoy: Okay.

So, Ms. Wynn, obviously if this is being paid by Gallagher Bassett, they have already approved this amount?

City Attorney Wynn: That's correct.

Councilperson McCoy: Okay. Well, you know, as egregious as this act was, I, you know I..., it seems like, to me... And I know I'm gonna say this again later tonight, when it comes to the SEIU negotiation. I mean, we're a Member of the governing body. Obviously, we had gotten a lotta contact and calls specifically about this excessive use of force.

But, I appreciate that we have the insurance coverage, but I just think that this, like other people in this community, this actual excessive use takes us back to videos that predate me from the civil rights movement when dogs were sicced on people. And, I mean, I've seen this person who was ultimately taken into custody, pass out. And I just thought this was the most egregious..., one of the most egregious acts of excessive force that I've seen.

It would've been my position, not to accept the \$55,000, but certainly, I'm gonna ask that if we're in negotiations, perhaps let's have a conversation before we go to Gallagher Bassett to say, 'Hey, this is the offer, or the settlement,' because, ultimately, I'm stuck making a decision. And I don't wanna seem like I'm lowballing somebody that could've nearly lost their lives because a office failed and neglect a dog.

While I do appreciate our Police Department, but because that dog was let go and there was no control over that dog, he could've very well mauled that person to death. And all for what? To take somebody into custody?

Quite frankly, we're seeing now, right? Just from local and national, that there is..., been calls to defund the police. And I would not agree with that, but I think certainly, after seeing a video like this and someone being treated in such inhumane manner with a dog biting him until..., it, it had to last at least two or three minutes. I, I would say two minutes. And I can't be estimated on it, but I don't..., I'm, I'm really supporting this under protest to give this person some sort of relief. But that was just egregious.

And Ms. Wynn, I guess my request and ask from you is, going forward, I don't want Gallagher to determine what we have..., or, what we think is fair and equitable. If Gallagher chooses to pay fifty-five, certainly bring that back to us before we solidify a proposal to settle. Because that, in my opinion, is not fair enough compensation for someone that could've potentially lost their lives.

Because, I mean, obviously, a dog bite.., a dog is trained to bite. Not exactly where he's trained to bite. If he woulda bit a vessel, we would probably been in much more trouble and, you know, this person... But I'm sure that there was some recovery. And I just don't like the fact that we have to vote on this after the fact, after an agreement has already been made, and we don't even have an opportunity to really have an opinion on it because it's already been done.

That's it, Madam Chair.

Chairperson Lanier: Thank you, sir.

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson Lawson: Mr. Evans, what steps have been taken to avoid these situations from happening in the future? We've seen far too many settlements that we're paying out and we wanna make sure that we're taking action to stop these. What steps are we taking for this action? 'Cause this actually was one of the first decisions that came about when we first got elected.

So, to see this come across is just, within our tenure, I wanna make sure that we're putting parameters in place.

City Manager Evans: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

City Manager Evans: If I can have the Chief of Police, Mr. Nathan Osgood, speak to that particular issue, as to what law enforcement is doing related to that type of activity.

Chairperson Lanier: Thank you.

Go ahead, Chief.

Police Chief Osgood: Thank, sir. Thank you, Madam Chair.

Madam Chair, Mr. Councilman, we actually took a look at our policy, broke it down, revamped it and we took a look at other training in the area, such as Palm Beach County Sheriff's Office, West Palm, and throughout the county, and Broward County.

This is the type of training we needed to do. And the way this training was done at that time, it was not necessarily against policy but policy had to be stricken. So now, a canine dog will always be on their lead. That dog will not have the freedom to roam around and make a unassisted apprehension. So, the canine handler will have total control of the canine itself. So, that's the first thing we trained with the pol'.., with the.., changing the policy.

And we also have conducted weekly policy training.., training with the canines. So you would never see something like this again.

Councilperson Lawson: Follow up, Madam Chair.

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson Lawson: And, Chief Osgood, this was an action that took place when you first arrived or this predated you?

Police Chief Osgood: It predates me.

Councilperson Lawson: Predated you? Okay. Well, thank you for putting those parameters in place for us.

Police Chief Osgood: Alright. Thank you.

Councilperson Lawson: Thank you.

Councilperson McCoy: Madam Chair, can I ask a question of the Chief?

Chairperson Lanier: Sure. Go ahead. Chief?

Councilperson McCoy: Chief, yeah. I think this was maybe October 2018. Somewhere around there. But Chief, earlier this year, I believe I observed a.., I, I guess you would call it a simulated skit of a, of an.., of an assailant getting away and you guys deployed the canine over in Wells Recreational Field. And there was this whole skit.

I guess, at what point are those measures that you're speaking of occurred, as to, you know, new training and new policy as it relates to canines? When did that occur?

Police Chief Osgood: When I got here, last year, that was one of the first cases I took a look at. So, we revamped our training right away. I took a look at this case and the way we were using canine handlers. So I called in different canine trainers around the county and outside the county. And I had.., I showed them this video. And I was looking for best practice, the way we're doing it around the county and around the state.

And they all agree that we needed to change it. So, the training skit that you saw a few months ago, that is within policy. You will see a tracker, a handler, with the canine on a lead, as they track and go with the.., after the person now. If that person is.., that skit you saw, the handler re'.., released the dog and go after the person. Now, that is part of the training as well. Once you identify the target to take down, that is part of a apprehension tactic that is used in canine training throughout the county.., throughout the country.

Councilperson McCoy: Okay.

And, I, I guess my question, Chief, again as.., an approximation, when did you implement those policy changes?

Police Chief Osgood: Probably.., I wanna say within the first two months I was here last year.

Councilperson McCoy: Okay. Okay. Alright.

That's all I have.

Mayor Felder: Madam Chair?

Chair Pro Tem Miller-Anderson: Go ahead.

Mayor Felder: I have a question for the Chief.

Chief, what would be the.., and maybe the punishment isn't the right word for the officer, but what would be the punishment for a officer that does that with his dog?

Police Chief Osgood: Based on what I saw in that video, Mr Mayor?

Mayor Felder: Mhmm.

Police Chief Osgood: [Oo sound]. As, I would tell you, it would be... I, I took a look at that complete file and I would probably say that would be termination. That's.., it just... I'd have to look at more elements of it, but that's.., that, in my opinion, was an egregious use of the canine, at that time. However, policy kinda allowed some of that to go on.

Mayor Felder: Follow up, Madam Chair.

Chair Pro Tem Miller-Anderson: Go ahead.

Mayor Felder: Is that officer still with us?

Police Chief Osgood: Yes. Yes, Mr. Mayor, he is.

Mayor Felder: Is he.., does he have a canine?

Police Chief Osgood: I'm sorry?

Mayor Felder: Is he able.., does he have a canine?

Police Chief Osgood: No. He's not in canine.

Mayor Felder: Thank you, Madam Chair.

Chair Pro Tem Miller-Anderson: Any other questions?

Councilperson McCoy: Madam Chair, I'm almost inclined to direct.., to reject this settlement. Because I just think, you know, this.., obviously, I'm not trying to make it where the City, you know, we just, you know, come in and they just give you anything. But, you know, I'm... I, I just don't like it. And I'm not gonna support it.

I would encourage Members not to. And send Legal back to negotiate some better terms.

City Attorney Wynn: Madam Chair?

Chair Pro Tem Miller-Anderson: Go ahead.

City Attorney Wynn: I'd like to remind you all that this was a negotiated settlement, and Mr. O'Neal agreed to the settlement. It was not forced upon him. And I encourage you to adopt this motion.

Councilperson McCoy: Okay. Well...

City Clerk Anthony: There is no motion on the floor, Madam Chair, Members of the Board.

City Attorney Wynn: Oh, I'm sorry.

Chair Pro Tem Miller-Anderson: You said there is or...

City Clerk Anthony: There is no motion on the floor. The heading was read into the record, but there was no motion.

Chair Pro Tem Miller-Anderson: Mo'... [Chuckle]. So moved.

[Inaudible dais comment]

Councilperson Lawson: Second.

Chairperson Lanier: Very good.

There are no public comments on this, is it?

City Clerk Anthony: No, Madam Chair.

Chairperson Lanier: Very good.

Roll call.

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: Yes.

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: No.

City Clerk Anthony: Pro Tem Miller-Anderson?

Chair Pro Tem Miller-Anderson: Yes.

City Clerk Anthony: Chair Lanier?

Chairperson Lanier: Yes.

City Clerk Anthony: Motion is approved with Councilperson McCoy dissenting.

4. City Clerk Anthony: Item No. 4.

City Clerk Anthony: RESOLUTION NUMBER 101-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH...

Chairperson Lanier: Did you still want to do that, Mr. McCoy?

Councilperson McCoy: Oh no.

Chairperson Lanier: You said you...

Councilperson McCoy: At this point, we have to. There's no presentation needed. But we have to vote on it.

Chairperson Lanier: Okay.

Councilperson McCoy: So, I don't a presentation.

I'm sorry, Mr. Blankenship.

Chairperson Lanier: [Chuckle].

Councilperson McCoy: But, I think she still needs to read it, and we need to vote on it.

Chairperson Lanier: Alright. Yeah. Go ahead.

City Clerk Anthony: RESOLUTION NUMBER 101-21. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AUTHORIZING THE TEMPORARY CLOSURE OF NORTH OCEAN AVENUE FOR TRIATHALON OF THE PALM BEACHES AND WODAMANIA CROSSFIT COMPETITION AND PROVIDING AN EFFECTIVE DATE.

RICHARD BLANKENSHIP, DIRECTOR OF PARKS & RECREATION, 561-845-4072

Councilperson McCoy: Move to approve.

Councilperson Lawson: Second.

Chairperson Lanier: Discussion? [Pause]. Madam Clerk.

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: Yes.

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: Yes.

City Clerk Anthony: Pro Tem Miler-Anderson?

Chair Pro Tem Miller-Anderson: Yes.

City Clerk Anthony: Chair Lanier?

Chairperson Lanier: Yes.

City Clerk Anthony: Motion approved.

Chairperson Lanier: Next Item.

UNFINISHED BUSINESS

PETITIONS AND COMMUNICATIONS FOR FILING

AWARDS AND PRESENTATIONS

17. City Clerk Anthony: Madam Chair, Members of the Board, we are now down to Item No. 17.

City Clerk Anthony: **PRESENTATION FROM THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS OFFICE -- PRESENTED BY PBCSOE WENDY SARTORY LINK.**

CLAUDENE L. ANTHONY, CMC, CITY CLERK, 561-845-4090

City Clerk Anthony: Madam Chair, Members of the Board, our SOE, Wendy Sartory Link, is here to present to you her position on having the County Canvassing Board serve as the Canvassing Board for the municipal election.

Ms. Link.

Madam Chair, Members of the Board, there are no public comment cards for presentations.

Supervisor Link: Thank you very much. Madam Chair and Members of the Board, and, and the residents here, we appreciate you giving us the opportunity to be here before you and to answer any questions that you might have.

I wanted to just kind of go through. Is there...

City Clerk Anthony: It's right there on the podium.

Supervisor Link: Alright.

So, there's a couple things that have come up that we have set to the Clerks and that I've been dealing with [stammer]... Your Clerk, by the way, is fantastic to work with. [Chuckle]. But, to talk about things that you might consider. And, one of the first, it's up here, is amending the candidate qualifying period so that it ends no later than the ninety-fifth day before election day.

And the reason for that is, the statutes have changed that we have to follow. And so, we now have to send out our ballots earlier than we used to. We have a lot of more things to..., that we have to accommodate. So, we want to get everybody's..., if the municipalities want us to do their elections, then we're gonna need to have those in earlier.

The second one is, we offer for you, and it's not even a recommendation, it's just an opportunity if it's something that you would like to take us up on. It has no, no additional cost to you, but what happens right now is for municipal elections, the municipalities are their own Supervisors. So, it's usually your Clerk who is your Supervisor. And, that..., therefore, all of the statutes that are in the, in our laws, you..., your Supervisor has to be there for all of the openings, for the..., anything that requires a Canvassing Board.

I'm there anyway. [Chuckle]. So, one of the things that we, in talking to some of the Clerks, they've asked us, you know, 'You're here anyway. Why do we have to be here?' And I said, 'Well, right now, the way it's setup is you are each your own Supervisor and, therefore, that's why.' So, we..., and I know a lot of the counties in the state do go to where the County Canvassing Board is the Canvassing Board that, that oversees this and, therefore, then I would be acting as a Supervisor.

One of the things to, to point out to you though, is that under any of these circumstances, your Clerk would remain the, the qualifying officer. So, you're dealing directly with your candidates on all of this, so we would not be handling that, that part of it. Also, on election day, you know, you of course have the, the right and the ability, as anybody does, to be there for the canvassing and to make any other comments there. We would otherwise follow..., it would be the, the County Canvassing Board that would, would serve and..., for you as the Canvassing Board.

So, that was just one thing to do.

Another thing that I noticed that, I think is in your Charter that you might want to consider is, polling locations. During..., every fourth year when we have the preferential primary, the March elections fall in line with that. And, if you join in with those, then it's very, very inexpensive for you. It doesn't cost very much because we're already doing everything anyway.

The one problem that we've had with a couple of the cities is that when we do polling locations, sometimes, for one reason or another something has to move, and we have to move it. And so, it may actually..., you may have something that's just outside of your City limits. And, so we wanted to let you know that if we're doing your lo'..., your..., if we're doing your election, we can't guarantee that every City..., that the polling location, it's always going to be very, very close but we did have an example.

In fact, in..., for West Palm Beach, where it was the Manatee Center, the Manatee Lagoon, and the parking lot evidently, is in the City of West Palm Beach but the Manatee Lagoon is in Riviera Beach. And so, we actually, because of their City Charter, we had to move at the last minute, that location.

And we're not able to do that. It's very expensive for us to move locations when we need to that. So, we would just ask that if it's, if it's the, every fourth year when you're wanting to join in on our elections, that that not be part of your requirements. Because, it, it makes it that you may not then be able to be a part of our election and it would cost you much more.

The only other thing is to point out, and again, this is up to each and every city, is runoff elections. We have had a lot of cities say to us, 'Runoff elections are really expensive.' And, that's true, because you're not, you're not sharing the cost with all of the cities any longer, you're sharing the cost with only, you know, it might be yourself or maybe one other who might have a runoff election.

So, I just wanted to point out, we're happy to do them. It's what we do. But, if, if you were inclined, I would.., a number of the cities have determined that they're not going to have runoff elections, and that they just go with the highest vote getter. And so, I wanted to bring that to your attention since more peop'.., more cities are doing that, just so that you're aware, which are budgeting purposes.

If you elect to continue with runoff elections, that's great. We're happy, as I said, we're happy to do them. I just wanted you to be aware that they may.., there may be fewer and fewer cities doing them, and therefore, they.., you may be the only one, during your particular time, that has a runoff, which then does add cost to the budget. And I know that's been difficult for some of the cities.

Again, just a ninety-five day qualifying period. This just tells you the things that have changed and, and that we have to do, and the reason that we've moved back to the ninety-five days. And it's primarily programming the election, creating the ballots, proofing the ballots, testing the ballots, getting everything.., all the notices out. And then, as I mentioned, vote by mail has moved up, so it's an earlier day that we have to send out ballots.

If, again, if you choose to go with the designation of the single Canvassing Board, just, you know, the Canvassing Board members, one of the questions that had come up to us, to us that I wanted to clary to you is, Canvassing Board members may not serve on the Board if they ob'.., obviously are a candidate or an active participant in the campaign or the candidacy of any candidate.

So, you wouldn't have to worry that.., whether it was myself or one of the judges, or the County Commissioner. If they have participated in a candidates election, they're not able to be on the Canvassing Board for that purpose.

And also again, it, it does sort of move things along faster. It does'.., allows your Staff to not have to do as much during that time. And, not have to stay quite as late either. And so, again, we would, we'd be happy to do that for you at no additional cost to you. It would just be something that would have to be taken care of in your Charter.

And, just.., this is a little bit hard to read. I apologize for that, but it's really just to let you know that if you don't have us as the Supervisor of Elections for you, then it just means that you've gotta have somebody that's there for the public logic and accuracy test, the canvassing of the vote by mail ballots, the counting of those. Anytime we're doing duplication of ballots, you'll have to have somebody there. Provisional ballots, doing the cure if there's a recount, the certification. And the postelection audit.

So, we'll need you to have somebody there for that in, in the instance.., in that instance.

And then, this is just reiterating that you would just continue to remain responsible for all candidate qualifying. So, you are dealing with candidates in your City. We're not handling that. And then, of course, you still continue to pay the cost, poll workers for standalone election and securing the polling locations if it's a standalone election.

And then, if you choose not to have us be your SOE, you might consider listing us as the sup'.., as a substitute. Only because it.., we wouldn't be an alternate, but if there's an emergency and your person isn't there, we might then be able to step in as a substitute, if you Charter allows.

But, I would not be step'.., stepping in to do any of your certification or any of that. You would still have to, to do that. This would just be if you're processing ballots, when we're doing duplication. Things that we're there for already.

And if you have any questions.

The other thing on.., if I could just go in, is.., we were very fortunate to be here for the forum that you had. But just to remind you that your City is part of the CD20. And so, we do have an election coming up November 2nd, for that congressional district. And we're gonna be dropping mail.., vote by mail ballots. The, the vote by mail for the overseas, are gonna go out September 17th. And the vote by mail ballots for you residents, local residents, are going out on September 24th. So, I wanted to let you know to be looking for those.

We're also doing a pilot program during that election, where the express vote, which we brough here to your.., to these Chambers about.., about a week ago? About a week ago, so that your residents could try those. That's the.., it's machines that we already own. And they're typically used in the past.., have been primarily for folks who are disabled or have.., are visually impaired.

But we're making them available to everybody. They're much faster to use, they have a lot of cost savings for us. And, they're also much easier for folks because they can blow it up, they can.., it, it is a touch screen that allows them to manipulate things. But in the end, it does print a paper ballot, because we are a paper ballot state in Florida. So, it prints your paper ballot, then you take that over and you, you run that through the scanner.

So, it has all the same protections. It's, again, machines that we've been using in the past. But people don't often use them. They're in English, Spanish and Creole. All three. Also, it's audio as well as visual, so somebody can listen to the ballot if they aren't able to read it for visual reasons or others.

It doesn't allow you to overvote, so it results in much more accurate elections. And in a recount situation, you're not arguing over what is the intent of the voter, because it's printed out and there's no stray lines. So there's a lotta reasons for it, and we'll be testing that out during this congressional election. So, just to let you know since a number of your residents will be voting in that.

So, if you have any questions, I'm happy to answer them.

Chairperson Lanier: Any questions from the Board in regards to this presentation?

Councilperson McCoy: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson McCoy: Thank you, Madam Chair.

Supervisor Link, so who, if any, municipalities are already electing to opt., using a Canvassing Board set up by the Supervisor of Elections office?

Supervisor Link: I don't have that list with me. I would say the majority of them have. But it's not req'., the only things that we've said is, we're not pushing this. We've just offered it in response to some of the questions from the cities.

So, it's not an all or nothing. Each city can make up their own deter'., make their own determination, so if it's something your City wishes to do, it doesn't matter whether the others have elected to do that or not. You'll be able to do however you wish.

Councilperson McCoy: Okay. And, you said the, the in precinct machines will prevent any kind of overvotes. Correct?

Supervisor Link: I'm sorry. I didn't hear.

Councilperson McCoy: The, the polls... I'm sorry. With., the machines within...

Supervisor Link: Right. Right.

Councilperson McCoy: ...the precincts prevents overvotes.

Supervisor Link: Correct. It does not allow somebody to overvote.

Councilperson McCoy: Per'., perhaps though, they can opt to not vote in a certain race.

Supervisor Link: Right. For an undervote, it will allow it, but it., what it does is, it, it alerts them to it. So, it won't allow you to overvote. If you., if you're only allowed to vote for one, once you press one person, you try to press another, it's gonna switch it to that vote and it'll keep doing. So it's only gonna allow you to press one.

On an undervote, if there's a race that., a race or a question that you don't wish to vote for, you can just skip it, and all it will do at the end, when it gives you your summary and says this is how your vo'., what your ballot looks like, are you ready to print? And it'll say, 'Is this the way you want to vote?'

It will give you an alert., I think it's an exclamation point, beside any race that you didn't vote, just to alert you, that you may have, you know, in case you meant to vote it, it'll give you that alter. But if you don't wanna vote it, you then move on.

Councilperson McCoy: Okay. And I've actually been a part of some in 2012 elections for State House races where it came down to a manual recount. And, and then, a machine recount. This will still take place at the SOE's office in the City of Riviera Beach?

Supervisor Link: Correct.

Councilperson McCoy: If there was any kinda canvassing of...

Supervisor Link: Right.

Councilperson McCoy: ...or votes or [inaudible]...

Supervisor Link: All of that, all of that takes place, at least through 2023. At least through 2022. We actually are moving in 2023, we'll be moving to Cherry Road. But, through 2022, we'll still be in Riviera Beach.

Councilperson McCoy: And that's a good point because, if there is a contentious election, I mean, if someone from the public wanted to specifically participate publicly, then they would have to now go to that other location that you're speaking of in 2023, if there was ever a canvass...

Supervisor Link: Right. Because our lease has ended in that one, and they're not willing to extend it. So, the county is building a new building that was combining that. There is a bus..., but we made sure that we asked the county to add a bus stop to it thought, so that there's easy transportation. And better parking as well.

But, yes. Anybody who wants to go would, would then, at that point, be going to, for anything, would be going to the Cherry Road. But we'll be in this location through 2022. I believe we're set to move in April or May of '23.

Councilperson McCoy: Supervisor Link, you know just as well I do, that chances are of a bus actually going out there during the time of you doing canvassing, is probably gonna be unlikely. 'Cause those generally run late into the evening.

But...

Supervisor Link: Well, we've asked for it. [Chuckle]. So.

Councilperson McCoy: Okay. Well, thank you for the effort.

But, you know, here's...

That's all I have for her, Madam Chari, but I have some general questions. I guess I can save that 'til later in the Agenda when it comes to whether or not we're gonna discuss it. So, that's it.

Thank you.

Chairperson Lanier: Thank you, sir.

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson Lawson: Supervisor Link, thank you...

Supervisor Link: Yes.

Councilperson Lawson: ...you for changing the image of Florida, especially Palm Beach, from being the butt of most jokes in regards to voting, 'cause since you've come in, it's been a transparent process. We're working well.

If an individual has [stammer] filed an intent for subsequential elections, to run for office, are they able to serve on the Canvassing Board?

Supervisor Link: They can..., as long as they're not on that ballot.

Councilperson Lawson: Excellent.

Supervisor Link: So, if they're on that ballot, they cannot serve on the Canvassing Board.

Councilperson Lawson: Okay.

Supervisor Link: But, if they're going to run in a future election, they can.

Councilperson Lawson: Excellent.

Thank you.

Supervisor Link: Mhmm.

Chairperson Lanier: Any other questions in regards to this presentation?

Councilperson McCoy: So, that's..., that's a great question I wanna follow up on.

So, if a person, like Board'..., Councilwoman Miller-Anderson, who's unopposed, she would be permitted to serve on the Canvassing Board because she's technically not on the ballot because she didn't have any opposition.

Supervisor Link: Well, she's actually on the ..., she, she would technically be on the ballot then, even without opposition, I believe. I'd have to go back and look at the way the statute reads but I believe you're still up for election, you're just without opposition.

Councilperson McCoy: Okay. Alright. Good enough.

Thank you.

Chairperson Lanier: Very good.

Thank you for...

Supervisor Link: And that would only be, by the way, if you're..., if you did your own Canvassing Board. Otherwise, if it's the County Canvassing Board, it would be the

Chief Judge would appoint a County Judge, the Chair of the County Commission appoints either themselves or another Commissioner. And then, it's the Supervisor of Election makes up the third, unless the Supervisor of Election is on the ballot, in which case, the, the County Commission appoints somebody for that position.

Any other questions?

Chairperson Lanier: Thank you so much for presentation.

Supervisor Link: Thank you very much.

Chairperson Lanier: Madam Clerk.

City Clerk Anthony: Thank you, Ms. Link.

PUBLIC HEARINGS

ORDINANCES ON SECOND AND FINAL READING

18. City Clerk Anthony: Item No. 18.

City Clerk Anthony: **ORDINANCE NO. 4178 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 13 OF THE CITY'S CODE OF ORDINANCES ENTITLED, "PARKS AND RECREATION", REPEALING ARTICLE III, ENTITLED "BOATS"; CREATING ARTICLE III, ENTITLED "BOATS, FLOATING STRUCTURES, LIVE-ABOARD VESSELS AND OTHER WATERCRAFT"; PROVIDING FOR APPLICABILITY, SEVERABILITY, REPEAL OF LAWS IN CONFLICT, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

DAWN S. WYNN, CITY ATTORNEY, 561-845-4068

City Clerk Anthony: Madam Chair, Members of the Board we do have comments..., public comment cards on this Item. The acceptance of public comment on this Item is now closed.

Madam Chair, Members of the Board, I also want to acknowledge that I have received communication from Greenberg Traurig, Kerri L. Barsh. And, I guess it's a duplicate, 'cause it's signed by Kerri L. Barsh also. So, Kerri L. Barsh, from Greenberg Traurig, regarding this Item.

Chairperson Lanier: What is this, a communique to the City? Or...

City Clerk Anthony: It's a communication that indicates that..., says, 'Dear Members of the City Council and City Attorney...

Councilperson McCoy: So, so, Madam Chair, let me stop to object.

City Clerk Anthony: But...

Chairperson Lanier: Yeah. Yeah. Hold on.

Councilperson McCoy: I don't want us to read into record. If that's what she was gonna do. I just wanna make sure...

City Clerk Anthony: No...

Councilperson McCoy: ...she's not reading into record.

City Clerk Anthony: Madam Chair, Members of the Board, I was just acknowledging that it has been received. It was not going to be read. Unless requested by the Board.

Chair Pro Tem Miller-Anderson: No.

Chairperson Lanier: Yes. Very good. No.

What we can do is, we do have public comment, am I correct?

City Clerk Anthony: Yes, Madam Chair.

Chairperson Lanier: Okay. Well, Mrs. Evans, could you introduce this Item?

Chair Pro Tem Miller-Anderson: Move that...

Councilperson McCoy: And, and...

Chair Pro Tem Miller-Anderson: ...we approve....

Councilperson McCoy: ...Madam Chair?

Chairperson Lanier: Sorry. Let's go ahead and get the motion for it.

Councilperson McCoy: Ma'.., Madam Chair, can we be provided with a copy? I just don't want us to start accepting correspondence that gets dropped off, or however, and then now that becomes a part of something that is anticipated or someone expects...

Chairperson Lanier: No. You can...

Councilperson McCoy: ...to be read.

Chairperson Lanier: ...you can...

Councilperson McCoy: But I...

Chairperson Lanier: ...request a copy.

Councilperson McCoy: ...you know, if they wanna shar it with us to make sure that we have it, you know, if it's possible and we can be disseminated a copy of it?

City Clerk Anthony: I, I have only two copies of it, Madam Chair. I'm, I'm able to scan a copy to email it to you all...

Chairperson Lanier: Yes. That will be...

City Clerk Anthony: ...while you are sitting here, I can do on tom'.., have it done on tomorrow.

Councilperson McCoy: Mr. Evans, can you have someone to Xerox it and provide us with a copy? Because if we're gonna deliberate on it, I think I, you know, it's out.., I would think it's pertinent, but I don't want to somebody to write a five page correspondence and now that becomes...

Chair Pro Tem Miller-Anderson: I move to approve Ordinance No. 4178.

Councilperson McCoy: Second.

Chairperson Lanier: Very good.

Mr. Evans.

City Manager Evans: Madam Chair and Members of the Board, if I can have Senior Assistant City Attorney, Ms. Lina Busby, make this presentation.

Senior Assistant City Attorney Busby: Thank you, Mr. Evans.

Councilperson McCoy: [Inaudible comment]

Senior Assistant City Attorney Busby: Good evening, Chairperson Lanier, Mayor Felder, and Members of the Board.

Councilperson McCoy: [Inaudible].

Senior Assistant City Attorney Busby: This is a second reading of Ordinance No. 4178, which is intended to amend Chapter 13 of our Code of Ordinances, mainly addressing regulations of boats, floating structures, live aboard vessels and other watercraft.

Since the first reading of this Item, there have been some minor changes. The overall intent of this Ordinance is to address floating structures in the waters of the City that may pose significant threat to the environment, human health and navigational safety.

As you know, Palm Beach County has adopted its Ordinance No. 2021-017, amending its Code of Ordinances to prohibit floating structures, except in certain places. And, the Palm Beach County Ordinance, as I described at first reading, applies within the incorporated and unincorporated areas of the county, unless a municipality opts out, or adopts an Ordinance in conflict, in which case, the county's Ordinance is affected to the extent not in conflict with municipal Ordinance.

The changes, minor changes, that we have made from the first reading mainly involve the section 13.54 on live aboard vessels. We consulted with the City's Marina consultant to create better regulations in this area. Mainly that certain refuse and, and.., refuse disposal and the equipment for excrement waste and refuse, those sections were updated to include that we would require U.S. Coast Guard approved equipment, and a few other minor regulations.

Also, in the live aboard section, we included a, a different regulation that said, 'Under no circumstance may a live aboard vessel be moored in less than four feet of water measured at the mean low tide line.

Other than those minor changes, there is nothing else that I can think of that is different from the first reading.

And, if you have any questions, I can address those.

Chairperson Lanier: Are there any questions in regards to this Item being presented?

Councilperson McCoy: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson McCoy: So, I think I asked this some months back, Ms., Senior Assistant City Attorney Busby. You know, we have a zoning map and a Future Land Use map. What do we have in terms of a map that decides where this is enforceable? Because, obviously, we know everything out in the Lake Worth Lagoon doesn't necessarily meet the definition of being within the municipal boundaries.

It seems to me that this should've had a map connected to it. Not just for us for the purposes of enforcement but for someone that wants to potentially do this. I mean, there has to be some sort of reference, and not an arbitrary, I guess, estimation by whoever, I guess our Marina patrol unit. So, why isn't a map attached to this?

Senior Assistant City Attorney Busby: Well, Councilperson McCoy, you address a very real and pertinent issue regarding the waters. Not of the City, but of the entire county. And, the reason why the county really had to move forward with enacting an Ordinance, particularly an opt out Ordinance for municipalities were to address enforcement issues.

There are no bright lines in the water, the same way that we would have in land. So,...

Councilperson McCoy: But that's ...

Senior Assistant City Attorney Busby: ...there's not...

Councilperson McCoy: I'm sorry.

Senior Assistant City Attorney Busby: There'...

Councilperson McCoy: That, that's exactly my question. So, why isn't? Because, if we have municipal boundaries where we can enforce our Code, we can't enforce our Code in Mangonia Park or out in the Gramercy Park area. But, if this was within the municipal boundaries, I don't want an officer, overzealous, harassing someone that could not even be within the municipal City limits. And, unless there's some sort of markers that's gonna be placed out, or buoys... I mean, just to have someone to go out there,

we're starting off creating a, a Ordinance that is gonna be to the discretion and arbitration of whoever that Marine officer is.

So, I mean, I understand what you're saying but it seems to me that this is not..., this doesn't go far enough. If we can do it for land, and you think it's important that we have this, we certainly need to map out where the City's waters actually begin.

[Inaudible audience comment]

Councilperson McCoy: Thank you.

Unk.: You're welcome.

Councilperson McCoy: I'm sorry. That's a comment, so you can finish. I'm..., that, that's all I ha.

Chairperson Lanier: Alright. Very good.

Are there any other questions for Ms. Busby in regards to this Item? [Pause]. Very good, Ms. Busby.

We will have public comment at this time.

Senior Assistant City Attorney Busby: Thank you, Chair.

Councilperson McCoy: Well, Madam, Madam Chair, let me ask one more question.

Ms..., Ms. Busby or perhaps even Mr. Bauman, is possible the map can be created?

Chairperson Lanier: You want to have someone come to the mic, please? [Pause]. Restate your question, Mr. McCoy?

Mr. A. Bauman: Hi. Andrew Bauman. I'm outside counsel for the City. I will be just answering the question that Council'..., Councilperson McCoy had asked.

You have maps of the City's municipal boundaries in the Comprehensive Plan and the Zoning Code, but I believe, like any other city, the boundaries are actually laid out and identified through, it's either the City Char'..., I believe it's the City Charter, that establishes the City. When you establish a city, you establish its, its municipal boundaries. It's part of the incorporation of the City.

Can a map be produced? Of course. You can produce a map for anything.

Councilperson McCoy: Follow up.

Chairperson Lanier: Go ahead.

Councilperson McCoy: Mr. Bauman, thank you for that. But, you know, if I'm correct, the Charter sets forth a legal description of what those boundaries are.

Mr. A. Bauman: Correct.

Councilperson McCoy: But what I'm saying is, if I'm navigating in nautical waters of the Lake Worth Lagoon, me and a marine unit officer, how can we determine what's actually within the municipal boundaries, without picking up a archaic book or going online to try to estimate it, where at that spot that's referenced in the Comprehensive Plan? I mean, that.., or, in the Comprehensive Map. That doesn't seem to be.., to make s'.., make any sense.

I, I specifically asked this question. 2013, I served as the member of a P&Z Board, and there was all kind of exhibits that were included, there was illustrations, when we did a comprehensive overhaul of the CRA Land Development Regulations.

Mr. A. Bauman: Oh, yeah.

Councilperson McCoy: There was specific.., I mean, it even pointed out specific intersections and gave specific models. I, I, I don't want to pass something that gives somebody carte blanche to get out and just do whatever. And.., it just seems to me that this should at least address that.

Now, if you think there's something that can be created, I'm okay with even, you know, offering up an amended motion to say that we can supplement the map through some other later Ordinance, perhaps if that's even possible.

But, I just really think that we have to be clear and precise because this is something that is going to potentially be a due process issue. If you assert that... And not even just a due process issue, but a.., whether the City has subject matter jurisdiction to enforce something that could or could not.., well, that could be potentially outside of the municipal boundaries.

So that's, I mean, no different than our Police Department going over to the Town of Lake Park to do traffic enforcement. They're not permitted to do that.

So, that's all I'm saying, Mr. Bauman and...

Mr. A. Bauman: Sure.

Councilperson McCoy: ...Ms. Busby.

So, I mean, is it possible to supplement later with a map? Or make a, I guess, an amendment to say that we're gonna supplement with a map?

Mr. A. Bauman: Well, it's always possible to supplement with a map. You.., I'm not sure if you can do that at this point, or if you would come back and amend the Ordinance subsequent with a map. Maps certainly exist of the City of [chuckle] Riviera Beach and could be produced for this specific purpose. You're right that the, the legal description in the incorporation, like all cities, is in a legal description.. You know, metes and bounds, essentially.

But, the, you know, the map does exist. And so, maps exist in your Comp Plan and your zoning maps, and elsewhere. So, we could certainly produce one. It's up to

you as to the procedure that you wanna follow if indeed it's the will of the Council to add a map to the Ordinance.

Councilperson McCoy: Follow up. Last, last time, Madam Chair.

Chairperson Lanier: Go ahead, sir.

Councilperson McCoy: So, hypothetically, we're on second reading. This goes into effect upon passage tomorrow. Will the marine unit be able to go out and specifically determine where the City municipal boundaries begin? And, what you're saying about yes, we have a zoning map, we do. A Future Land Use map as well. But, that map doesn't extend into the waters. I don't even know if we have an official City map. And I, I'm almost embarrassed to say that, but do we have an official City map? I guess that will be a Sirmons question.

Councilperson Botel: Madam Chair?

Chairperson Lanier: Yes, go ahead.

Councilperson McCoy: I've got a question, Madam Chair. I'm waiting.

Councilperson Botel: I, I have, I have response. I just wanna offer it to Councilman McCoy. Officer Brau has already ticketed two floating structures that were in City waters, and he is well aware of where the City waters begin and the county waters begin. And, and the separation. So, I know that he is full well, and probably has a map [chuckle] on him at all times when he's out, out in the water. He knows exactly where the City waters are.

So this Ordinance would... Well, so that... That's my...

Unk. Audience: [Inaudible]. I got one that [inaudible].

Chairperson Lanier: Hello, sir. Sir...

[Inaudible comment]

Councilperson McCoy: I'm, I'm sorry. Can she finish, Madam Chair? Botel.

Chairperson Lanier: Yes. Go ahead.

Councilperson Botel: I was just saying that Office Brau knows where the City waters begin and end. But., and so, it, it would be appropriate, I'm sure, to attach a, a map to this just to make it crystal clear to anybody who wants to have that information. But I don't think we need to postpone the, the passing of this Ordinance for that. I think we could probably just say we will attach a map to this in the near, in the very near future.

Chairperson Lanier: Mr. McCoy.

Councilperson McCoy: So, thank you for that, Madam Chair.

And I appreciate it. And I think you were already making the point, but to whoever that was that was cited, would they have a ability to legally object, or bring it in front of a magistrate to say, 'Hey, nope. According to the map that is the official map, I'm actually in fair game. This.., the City doesn't have jurisdiction.'

So, my question is, to Mr. Bauman and Ms. Busby again, and perhaps even Mr. Sirmons, can this be accomplished, and maybe even Ms. Wynn, can this be accomplished by supplementing this Ordinance with a Resolution that sets forth a map? Or does the map have to be incorporated a part of the Ordinance?

Senior Assistant City Attorney Busby: You can pass the Ordinance on second reading this evening, and we would have to make an amendment to the Ordinance to supplement it with a map.

Councilperson McCoy: Okay.

Thank you, Madam Chair.

Chairperson Lanier: Very good.

Go ahead, sir.

Mr. A. Bauman: Just, just to add one thing. At the moment, bear in mind that you haven't passed the Ordinance. So, the City of Riviera Beach does not have an Ordinance in effect. So the, the citations that the Chair was mentioning just a moment ago, those are under the county Ordinance...

Councilperson Botel: Yes.

Mr. A. Bauman: ...which is already in place. And is only offset if the City opts out through its passage of its own Ordinance.

Councilperson McCoy: Okay.

Chairperson Lanier: And that was Dr. Botel that made those [chuckle] comments.

Let us get to our public comment.., public comment section of this. And then we can come back if you have any other questions, Mr. McCoy.

Madam Clerk.

City Clerk Anthony: Alyssa Freeman, Fane Lozman, J.B. Dixon.

Ms. A. Freeman: Good evening. My name is Elissa Freeman. I'm the Executive Director for the Marine Industries Association of Palm Beach County.

The Association's primary concern is the lack of consistency among several different jurisdictions will cause confusion. For example, the county does not specifically mention live aboard vessels, so that was something that we had concern with. We believe the overall intent of the Ordinance is good, however, we just want to note that some of the people living aboard their vessels are doing so, either as a last resort due to the

current housing crisis, lack of space, the rising cost at marinas, and/or are tourists passing through the area.

And, we believe, if they are abiding by all other current laws and regulations, they should not be prohibited from doing so, at least until we have mooring field infrastructure in place.

Thank you for your time.

Chairperson Lanier: Thank you.

City Clerk Anthony: Fane Lozman, J.B. Dixon.

Mr. F. Lozman: Fane Lozman, Singer Island.

I own or control fifty acres of property on the northwest side of Singer Island, 2.2 million square feet. This Ordinance you see tonight is a result of one woman. Julia Botel. Julia Botel went and hired Bauman and Lewis, Longman & Walker without getting permission from this Board and ran up a bill of hundreds of thousands of dollars to target me, 'cause she didn't want my floating home over there.

My floating container home is nine hundred and ten square feet. I got a nine hundred and ten square foot structure, on 2.2 million square feet of property. This City has run up a tremendous bill. Without any authority, she coordinated with Gagnon to hire Bauman. Now as a Board, a few years ago, that was your responsibility to give direction to your City Attorney to go ahead and hire an outside law firm because in 2006 the solicitor at the State of Florida, I can't think of his name, the accountant in the State of Florida did an inspection of the books in Riviera Beach and realized that you were hiring outside counsel without going the right way. So, you've already violated the Auditor General, that's who.., the Auditor General's report with what Botel did.

So, all this drama, and the drama is gonna cost the City tens and millions of dollars one day, and over a nine hundred and ten square foot container home. Because, in the City waters right now, how many container.., how many floating structures you think are in there? Three. Mine, and two others. So we're doing all this drama over three containers, because Botel is obsessed with Fane Lozman. All she does.., she fired a black Building Official 'cause she gave us a fence permit. We're the only property in the State of Florida can't have a fence.

Now what she's doing, she's decided that people that I'm friendly with, who live on live aboard vessels, we're gonna run them out. We're gonna usurp the authority of the State of Florida on regular vessels and have the live aboard vessel rule, which.., which, I don't care what Bauman says. He doesn't know what he's talking about. When you.., you cannot come in a municipality and dictate where registered vessels, that are derelict, can go. Okay?

I talked to Scott Woolam at State Lands, you opened up a whole can of worms. Tomorrow, you're gonna have Brau go out there and start posting a hundred live aboard vessels that are in.., in, in the, in the water? You need to determine what's not a live

aboard if somebody owns a house and the pay property taxes. [Inaudible] have them produce their homestead exemption. I know Ms. Barsh from Greenberg Traurig addressed the very same thing. Botel should be thrown out of office and recalled for how she has corruptly influenced the City., Jonathan Evans, who makes over \$400,000 a year and is beholden to Botel. She needs to go.

But right now, you're just bunch of little pawns doing what Botel wants. And it's, and it's shameful and it's time you went through battles that are gonna go on for years when you pass this tonight.

City Clerk Anthony: J.B. Dixon.

[Timer]

Ms. J.B. Dixon: J.B. Dixon, Singer Island in Riviera Beach.

As the British would say, in regards to what Mr. Lozman has just said, 'bullocks.' [sp] [Chuckle]. I think it's amusing the way he seems to think that Julie Botel is obsessed with him. [Chuckle]. You know, don't flatter yourself [stammer] Fane. [Clears throat. Excuse me.

Julie Botel represents a huge number of people who voted her into her office, overwhelmingly, not once but twice. She represents those people and what they want her to represent them. One of which is to prevent the kind of people who are fouling our waters.

I am a boater, was a boater before I moved to Florida, for many, many years. There are boaters, and then there are people who are irresponsible and who are living on our waters. They dump their toilets into our water. We have fish that bring in tourists all over the world. Those fish are going to be affected. Our seagrass is going to be affected.

The nine hundred and ten square foot shack that Mr. Lozman had, and has now had to move because, not of Julie Botel, but because of the Department of Environmental Protect. So, if you would like to look at those legalities, he has lost a number, a number of hearings before the DEP and the Army Corps of Engineers. You cannot do that. He is destroying seagrass.

This particular Ordinance has to do only, not with people who want to live aboard at a marina, or to responsibly have pump outs and holding tanks in the boats, and other vessels. So, it is not discriminating against the people who are responsible people who want to live on the water, it's to get rid of floating shacks who are fouling our waters. Talk to the people who go to Peanut Island who have to put up watching this stuff float by them, when they're, when they're trying [chuckle] to have a good time out there.

So yes. The county has this Ordinance and the county has ticketed people and they have had to move out of Riviera Beach waters. Certainly, the marine unit does know where our waters begin and end. But it was not our people who did that, recently, it was the county.

Thank you.

City Clerk Anthony: Madam Chair, Members of the Board, that concludes public comments on this Item.

Chairperson Lanier: Before we have a vote on this Item, are there any other any other questions in regards to this presentation?

Councilperson Lawson: Madam Chair?

[Inaudible] audience discussions]

Chairperson Lanier: For this Item?

[Inaudible audience comment]

City Clerk Anthony: Public comment for this particular Item...

Unk. Audience: Oh.

City Clerk Anthony: ...is closed.

Unk. Audience: Okay.

City Clerk Anthony: Not the public comment section of the Agenda.

[Inaudible audience comment]

Chairperson Lanier: Are there any other questions in regards to this Item?

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

[Inaudible audience comment]

Councilperson Lawson: Ms. Busby, the live aboard vessel, I believe that differs from the county Ordinance to the Ordinance that we're attempting to pass tonight. And that was changed from the first reading to the second reading, correct?

Senior Assistant City Attorney Busby: So, yes. Councilperson Lawson, just to be clear, the county's Ordinance addresses only floating structures. The City is addressing, in this section, floating structures, boats, live aboards and other watercraft.

This particular section needed to be updated substantially with definitions. And that's why it's a little bit different from how the county has their Ordinance. I., we used it., Staff used it as an opportunity to update our Code of Ordinances with the current statutory definitions for these certain watercraft.

Councilperson Lawson: So why are we differing from what the county's Ordinance?

Senior Assistant City Attorney Busby: The section live aboards?

Councilperson Lawson: Yes, ma'am.

Senior Assistant City Attorney Busby: So, the county has not..., they intend to do an overhaul, or amend their Ordinances on live aboards later on. I believe..., I don't know what their schedule is but they were indicating that they were taking it separately.

Councilperson Lawson: Okay. So why are we..., so... I guess my question is, and my concern is that we're jumping the gun with moving forward with the live aboard vessels, if the county has not taken on that...

Unk. Audience: Exactly.

Councilperson Lawson: ...fight, as of yet. Why are we taking the initiative to do that, prior to the county making that discernment as to what they're gonna move forward?

In addition to, also agreeing with Councilman McCoy, us not having a actual defined map as part of this Ordinance. Because, if we're gonna start ticketing starting tomorrow, we need to make sure that we have defined locations for where individuals can have these, these boats, these vessels, these live aboards.

So, colleagues, I, I may recommend that we hold off on moving this Ordinance, just because if we try to move this Ordinance forward, there's a few concerns that we're, we're lacking. Which is gonna be that map. And also, including something that the county hasn't even taken the initiative to do.

Senior Assistant City Attorney Busby: Well, Councilperson Lawson, if I can respond?

Councilperson Lawson: Please.

Senior Assistant City Attorney Busby: The City currently is ticketing under the county Ordinance. The only difference would be is the City would be able to ticket under the City Ordinance that is in conflict with what the county has. So, the City can still enforce the county Ordinance, even without this City Ordinance passed.

Councilperson Lawson: Correct.

And, in agreement with that, but then we're going to be moving forward with live aboards, floating structures, outside of what the county Ordinance. So, it's going to be in addition to what the county currently has. So we'll be ticketing these, these structures based upon our City Ordinance for the City.

Senior Assistant City Attorney Busby: Well, Councilperson Lawson, the City does have some regulations currently in its Code of Ordinances related to live aboard vessels. It's just not as clear as distinct as the updates that I've provided. For example, currently, under the Code of Ordinances, a permanent live aboard is prohibited at the Marina. And you would have..., if you were, if you were domiciled on that live aboard...

Councilperson Lawson: Mhmm.

Senior Assistant City Attorney Busby: ...technically, you would not be able to, underneath our current Code of Ordinances.

Here, we, we updated the Code of Ordinances to include that the live aboard vessel can never be moored in less than four feet of water, measured at the mean low tide line. That's a very distinct update to our Code of Ordinances, to really protect those special environmentally sensitive areas when a vessel moors in less than four feet of water.

Councilperson Lawson: Okay. And, follow up, Madam Chair?

Mr. Evans, to this point, this is why I really want us to look at our Comprehensive Plan. I know that you put it in our budget and we're gonna be addressing it, but it just seems like we keep piecemealing our Comp Plan. And we keep addressing it every time, every session, every time that we have an issue or concern, we're just kind of putting Band-Aids and fixing portions of it.

And I think we need to make a conscious discerned effort to say, 'Hey, let's address the entire Plan holistically.' Because, this is gonna be a constant issue every time that somebody has something that doesn't abide well with what residents want.

So, we have to make sure that we're not put in this constant position. 'Cause now we're contradicting what the county has put out in regards to these live aboards, because this is a decision and issue that we're running into within our community. And, we need to just kind of overhaul the entire Comp Plan. That hasn't been addressed in over, what? Seven, eight years? So I'm not when was the last time we actually addressed it, but we need to make sure we immediately take a look at that.

Thank you, Madam Chair.

Chairperson Lanier: Thank you, sir.

Councilperson McCoy: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson McCoy: So, so response to a couple comments from Councilman Lawson. You know, nothing about the county predicates us having to.., whether or not we should wait on the county. I mean, we have, we're sovereign, a political subdivision of the state. So, whether the cou'.., county chooses to adopt, that has no bearing on us.

I just am concerned that you brought it up, Ms. Busby is, our officers are ticketing, I guess vessels, that is within the county's waters. Is that what I heard you say?

Senior Assistant City Attorney Busby: No. That, underneath the county Ordinance, our officers may enforce the county Ordinance, even with vessels that are in City waters.

Councilperson McCoy: Okay. And then, does the county Ordinance delegates or allows our officers that authority? And, if so...

Senior Assistant City Attorney Busby: Yes, sir.

Councilperson McCoy: ...they would be held on a county Ordinance? I guess that's a county..., they can then appeal it through to the county?

Senior Assistant City Attorney Busby: Yes, sir.

Councilperson McCoy: Do we receive any kind of compensation from our officers enforcing their rules? Or, enforcing within their waters?

Senior Assistant City Attorney Busby: That would be a part of, of Police. So, I would con'., confirm with Chief Osgood about the particular funding to the marine unit. For...

City Attorney Wynn: If I may?

Senior Assistant City Attorney Busby: ...the enforcement.

City Attorney Wynn: Madam Chair?

Chairperson Lanier: Yes. Go head.

City Attorney Wynn: Typically, when there's enforcement under a county Ordinance by municipalities, it's not that they would, for instance, fund a position or, or part of a position, but [stammer], for instance, there were some fines levied by the court, those fines would revert back to the municipality that started the enforcement. Or, took the enforcement.

Councilperson McCoy: And, is that in..., is that called out in the county's Ordinance?

City Attorney Wynn: Yes.

Councilperson McCoy: Okay. Well, that's good to know, 'cause I don't want our guys over there, you know, doing the county's work and... I mean, it's almost like traffic tickets. You know, we have a state law but if you violate a uniform traffic violation, I mean, it's not a whole lotta money, but I think what? Ten or twelve bucks comes back to the City on a traffic citation. And I just think that that's, I guess unusual.

But, I don't... You know, I, I, I think there is an importance in getting this done, but I just don't wanna create a situation where it's up for debate.

Now, obviously, I'm looking at the county Ordinance and it spoke specifically that the county's Ordinance 2021-17 is applicable within the incorporated and unincorporated areas of the county, unless a municipality opt out. Which we did not. Correct?

Senior Assistant City Attorney Busby: That's correct.

Councilperson McCoy: So, they do have the authority to, I guess, enforce that, whether or not it's within the City or within the actual county's boundaries?

Senior Assistant City Attorney Busby: Yes, Councilperson.

Councilperson McCoy: Okay. And that's fine.

I, I just, you know, I guess I don't have a problem with moving forward with this, but I'm just really hard pressed to see that we issue a Riviera Beach citation when we don't even have a map for it. Not just the marine officers that I heard someone say. Of course the marine officers would know, know where the boundaries are.

But, just like our Building Code, it's very clear and it's online, just like our Land Development Regulations is very clear and it's online, as well as the zoning maps. I just really have some hesitations about this. And I would expect that if we're gonna pass this tonight, I wanna see a map. That way, if we..., if you violate a City Ordinance, you go before the magistrate. You pay the fine or you can go before the magistrate.

If you [inaudible] evidentiary hearing in front of the magistrate, that violator has no ability to challenge based on an official map by the City.

Do you understand what I'm saying, Ms. Busby?

Senior Assistant City Attorney Busby: Yes, Councilperson.

Councilperson McCoy: And it..., we're, we're creating a, a seventy-five percent law. We haven't even gotten to a hundred percent because it doesn't give a person a right to redress government because of a grievance. Or because of a violation. And I would only support this unless the Members..., I mean, unless, you know, we agree to bring something back as far as an official marine map of the City boundaries.

Senior Assistant City Attorney Busby: Is it then...

Councilperson McCoy: I think we...

Senior Assistant City Attorney Busby: Is it then your pleasure for Staff to do so for a second reading or as an amendment?

Councilperson McCoy: No. So here's why. Because if the county already has the jurisdiction, I don't have a problem, and I would ask, you know, if this is the authority of the, the Manager to suspend enacting any kind of City enforcement and let them continue to operate under the county's enforcement until we bring a map back.

I mean, we can adopt it and pass it just as presented today, but I would ask that the Manager direct the Police Department, until we can distinctly outline our municipal boundaries, then we should not allow our marine officers to go in and, you know, exercise a seventy-five percent [stammer] created City Ordinance. We need a hundred percent. That way, there, there's no ambiguity or confusion. Not for the very dedicated marine officers, but for that boater who comes from, from Brevard County, who comes to Riviera Beach and clearly they wanna, you know, have a..., they wanna moor in one of the areas and they have no idea where the map is.

I mean, that's almost like [chuckle], I don't wanna say this, the preemption of [inaudible]. You just wanna..., if we're gonna change the rules, let's make sure that the rules are very clear and accessible for someone to know.

Madam Chair, I think...

City Attorney Wynn: Madam Chair?

Councilperson McCoy: ...Ms. Wynn's trying to get your attention.

Chairperson Lanier: Yes. Go ahead, Ms. Wynn.

City Attorney Wynn: Mr. McCoy, I understand your approach. However, I think it would be clearer if we postponed this Item to a date specific. We would bring the Ordinance back on second reading, along with the map.

Councilperson McCoy: Okay.

City Manager Evans: Madam Chair, if I may?

Chairperson Lanier: Yes. Go ahead, sir.

City Manager Evans: I concur with the [stammer], the recommendation from Legal. We would not want an Ordinance passed and then direct Staff not to follow the Ordinance.

So, it would be Staff's recommendation to postpone this Item and bring it back for consideration once the concerns communicated from the Board are addressed.

Chairperson Lanier: Very good.

Thank you for your presentation.

Councilperson McCoy: So, do we...

Senior Assistant City Attorney Busby: Thank you, Chair.

Councilperson McCoy: ...now need to amend and postpone?

City Attorney Wynn: Yes. You need a motion to postpone to a date certain.

Councilperson McCoy: Well, I offer an amendment to postpone.

Councilperson Lawson: Second.

Chair Pro Tem Miller-Anderson: Till when?

City Attorney Wynn: To? What specific date, Mr. McCoy?

Councilperson McCoy: Indefinitely.

Councilperson Botel: No.

City Attorney Wynn: The problem with it being indefinite is that.., then we don't know when... If you, if you give us a date certain now, we don't have to readvertise. If you don't give us a date certain, then we...

Councilperson McCoy: Well, I mean, I don't...

City Attorney Wynn: It's to...

Councilperson McCoy: ...know how long it takes to create a...

City Attorney Wynn: We...

Councilperson McCoy: ...official map.

And then, you know, I guess...

City Attorney Wynn: Well, we can ask Mr. Sirmons that.

Councilperson McCoy: Well, what..., I guess the, the other question is, and not... Will we have to have a separate action to then adopt the map as well?

City Attorney Wynn: No. You would..., we would amend... We would bring back the..., this Ordinance with [stammer] the map attached on second reading.

Councilperson McCoy: Okay.

City Attorney Wynn: And, and you would adopt that. And if Mr. Sirmons could tell us how long he thinks it would take us to, if we don't already have that map, to develop that map. Then, we would have that date certain.

Councilperson McCoy: I, I mean, it'd be my position, if we're gonna recreate a section of the, of the City's laws, we need to go ahead and have someone to draft this map from the actual legal description, and start fresh.

That's...

City Attorney Wynn: We may already...

Councilperson McCoy: ...my recommendation.

City Attorney Wynn: ...have the map. That's what we're not sure about.

Senior Assistant City Attorney Busby: Okay. If you give us a date certain, to the next...

Councilperson McCoy: I, I would say...

Senior Assistant City Attorney Busby: ...City Council date...

Councilperson McCoy: I would say second meeting in the month of October.

Councilperson Botel: [Inaudible].

City Attorney Wynn: So that would be a motion to postpone this Item until October 20th?

Councilperson McCoy: Yes.

Motion to postpone 'til October 20th.

Councilperson Lawson: Second.

Chairperson Lanier: Madam Clerk?

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: Yes.

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: Yes.

City Clerk Anthony: Pro Tem Miller-Anderson?

Chair Pro Tem Miller-Anderson: Yes.

City Clerk Anthony: Chair Lanier?

Chairperson Lanier: No.

City Clerk Anthony: That motion is approved with Councilperson Lanier dissenting.

[Inaudible audience comment]

Chairperson Lanier: Very good.

That is the end of that particular Item.

**COMMENTS FROM THE PUBLIC – 7:30 P.M. – NON-AGENDA ITEM SPEAKERS
(Three Minute Limitation)**

Chairperson Lanier: We are now onto public comments.

Chairperson Lanier: PLEASE BE REMINDED THE CITY COUNCIL HAS ADOPTED "RULES OF DECORUM GOVERNING PUBLIC CONDUCT DURING OFFICIAL MEETINGS" WHICH HAS BEEN POSTED AT THE FRONT DESK. IN AN EFFORT TO PRESERVE ORDER, IF ANY OF THE RULES ARE NOT ADHERED TO, THE COUNCIL CHAIR MAY HAVE ANY DISRUPTIVE SPEAKER OR ATTENDEE REMOVED FROM THE PODIUM, FROM THE MEETING AND/OR THE BUILDING, IF NECESSARY. PLEASE GOVERN YOURSELVES ACCORDINGLY. PUBLIC COMMENTS SHALL BEGIN AT 7:30 PM UNLESS THERE IS NO FURTHER BUSINESS OF THE CITY COUNCIL, WHICH IN THAT EVENT, IT SHALL BEGIN SOONER. IN ADDITION, IF AN ITEM IS BEING CONSIDERED AT 7:30 PM, THEN COMMENTS FROM THE PUBLIC SHALL BEGIN IMMEDIATELY AFTER THE ITEM HAS BEEN CONCLUDED.

ANY PERSON WHO WOULD LIKE TO SPEAK, DURING PUBLIC COMMENTS, PLEASE FILL OUT A PUBLIC COMMENT CARD LOCATED AT THE FRONT DESK AND GIVE IT TO THE STAFF BEFORE THE PUBLIC COMMENTS SECTION IS ANNOUNCED.

Chairperson Lanier: Madam Clerk.

City Clerk Anthony: Madam Chair, Members of the Board, the acceptance of public comment cards is now closed.

Cindy March, Lloyd Brown, Bessie Brown.

Ms. C. March: Good evening, Council.

I always said, when you set a rule, you have to set it for everybody. I don't care what the circumstances are. A crime is a crime, and a rule is a rule. You all set rules and citations, a person with personal vendettas. You all been after Fane Lozman for so long. [Stammer] it's enough. Every time we come to this meeting it's the same thing. And you all talking about the past Councilpersons. All they did was been argumentative. You all sat up here tonight, you and Tradrick going back and forth with one another.

You all have to understand, and I reiterate it every time I come up here. We're the ones put you all in office. You all don't work for us., you all work for us. We put you in office. And Lanier, you always talking about somebody being rude. You are the rudest Chairperson has ever sat on this Board. And I'll be so glad when you are removed. 'Cause enough already.

I don't, I don't throw rocks and hide my hand. I don't disrespect, but I call a spade a spade. You all better learn and CYOA, cover your own ass. And I'm tellin' you, you all be opening up a can of worms, since like you tried to do with what., the incident that happened to Mr. Lawson. He didn't know that it was gonna backfire. And the people it was gonna backfire on, was Mr. Osgood and Mr. Evans.

You , sometimes you think outside the box. Sometimes you got to go into a group meeting and discuss things with one another before you come out here and try to stick your [Inaudible] somebody stick your knee in somebody neck 'Cause whatever goes around, gonna come around. Enough already.

Chairperson Lanier: Thank you very much.

City Clerk Anthony: Lloyd Brown, Bessie Brown, Margaret Shepherd.

Mr. L. Brown: [Inaudible]. Wait a minute, wait a minute. Hey, if I get a medical marijuana card, could I still run for office? 'Cause, you know...

Chairperson Lanier: Um...

Mr. L. Brown: ...if you got a medical marijuana card... You could start it now. I got a medical marijuana card. See? I talk a lot...

Chairperson Lanier: Time.

Mr. L. Brown: ...when I come over here. Oh that's alright. They know what they're doing. Don't [stammer]...

Chairperson Lanier: [Chuckle].

Mr. L. Brown: If I had a mar'.., a medical marijuana card, you're gonna see me with glasses on. But you know what, I don't think there's nothing wrong with it, 'cause I know a lotta people over here, they don't have a medical marijuana card but I know they come in here intoxicated probably.

And one thing about me, I don't hit on women. And you know what I looked up? I looked up.., I googled, I don't know how many times for under arrest. And it never came back and told me nothing about a unarrest. It wasn't even on google. Don't google tell you everything? Let me ask it how to cook a pie. It'll tell me right now. But it can't tell me about unarrest.

Back in the days when they had a sheriff in the...

Chairperson Lanier: Mr. Brown?

Mr. L. Brown: ...City...

Chairperson Lanier: Mr. Brown? You have to address the Council, sir.

Mr. L. Brown: Oh. I'm addressing you all. Can't ya'll hear me without even a mic?

Chairperson Lanier: I, I couldn't hear you. You were talking to the...

Mr. L. Brown: I mean, but I'm, I'm addressing you all, just not looking at ya'll. I don't have to look at you to address you, do I?

Chairperson Lanier: But I couldn't hear you, sir.

Mr. L. Brown: Oh, you can't hear me?

Chairperson Lanier: Yes, sir. Now I...

Mr. L. Brown: Okay. Here I go.

Chairperson Lanier: Very good.

Mr. L. Brown: If I got a medical marijuana card, I don't beat on women, 'cause I'd be on the Council. Could I run for Mayor? 'Cause for really, I don't understand a lot of t things that goes on over here. I can understand what the girl just said, like, ya'll get in here and ask these questions back and forth, back and forth, and you be killing time. Like she say, we got ya'll into office.

But like I'm saying, you're, you're like a book. Honestly, like a book that I read. Let me see, you're like Jaws 3. That was a suck movie. That movie sucked. And I mean, when you first started out there, all these things you were saying, 'We're gonna do this, we're gonna do that.' Just like an advertisement. You know, 'Come to Burger King and eat the fish sandwich,' or whatever, the chicken sandwich. You go on in Burger King, you can't even see the damn chicken in the sandwich.

Same thing here. All these big promises ya'll made, 'We're gonna close down them twenty-four hour stores. We're gonna stoop a lotta this.' I think ya'll just, like flim-

flam people that I met up there when I went to see a game where this man had three card molly, or whatever. He had a little cup and he trying to get you to pick in them.

And then, Mayor, you're sitting over there. Let me tell you, man, people come to me. I'm not even a politician, and they ask me questions. They don't even go to ya'll. They try to find ya'll, they come to me. I'm not even a politician. So, something must be up with me, that up with ya'll. And that's a damn shame.

[Audience chuckle]

Mr. L. Brown: And, I mean, you coloreds are terrible. You really are. You don't even do anything for the neighborhood. I got fourteen minutes. Let me tell you something. When ya'll got in here, everything that black people had, the majority of it is gone. And it's gone and gone. That's even for the [inaudible] people, so don't think it's just you.

[Timer]

Mr. L. Brown: I'm talking about you coloreds.

Chairperson Lanier: Thank you, sir.

City Clerk Anthony: Bessie Brown, Margaret Shepherd, Judith Duvenger.

Ms. B. Brown: Good evening.

I sat here all night and I forgot what I came to say.

Goodbye. Have a good night.

City Clerk Anthony: Margaret Shepherd, Judith Duvenger, Dorothy Lowery.

[Pause]

Chairperson Lanier: What are we..., where are we?

City Clerk Anthony: Margaret Shepherd, Judith Duvenger, Dorothy Lowery.

Ms. M. Shepherd: Margaret Shepherd, Riviera Beach.

To the Honorable Chairwoman, let me first say if nobody else said, thank you. I don't know if somebody told you that to do or whatever, but you said let's have a full investigation. I think it's only fair, for the public and for other people to accuse anybody of anything, you must have proof.

So, we're waiting. Mr. Evans, we're waiting. There's been a lotta talk but... I'm waiting. That's all.

But to the, to the Mayor. I think Mrs. Paulk said it very well. I was struck very bad of the detox center coming. If nothing else, I think that I know a little bit about drugs, having a son that was on drugs for years. Coming from Detroit, all the way here, stayed

here the three months clean. Go back. Next four or five months, my husband say he's coming back. I know what detox is. And I thank God for Faith Farm. I don't know too much about your, your center. I just came here, I think, when the center was really blooming.

But anyway, it seem like, I felt like it was a backhand deal. I just had that feeling. And for Mr. Gagnon to be put in this, this particular segment... And then, the guy began to tell us we didn't know anything about the property. I wanted you to know, I know. I go through the City. I didn't know the one on 17th Street was there, but I wanna think the Planning & Zoning, which I think is one of the best, make sure that we will protect what little land we have.

You didn't come to any of the Reimagine meetings [audio skipped]... my husband to come here and find that Board. So they do wander. They wander around, they [inaudible] their City. And I wanna tell you, I'm not afraid of a, of, of a crackhead or whatever, but I take caution in it. And I would hope my...

[Audio skipped]

Ms. J. Duvenger: ...job is to observe how we function. And I can tell you that the majority of the volunteers are Riviera Beach residents, retired Riviera Beach residents and we need [inaudible]. We're working in the sun. These are elderly people working in the sun. We need tents. We need industrial fans, we need tables to help hold up [chuckle] the food that we use to serve our clients. The tables are, are bending in the middle. And, I could really use your support in helping care for those who care for others.

So, if you could consider the request for donations that was submitted, I would really appreciate your assistance in helping us continue to serve the community. It is a privilege and an honor.

Thank you for allowing me the time to speak.

Chair Pro Tem Miller-Anderson: Thank you.

City Clerk Anthony: Dorothy Lowery, Regina Simon, Gene Eckels.

Ms. D. Lowery: Good evening.

Chair Pro Tem Miller-Anderson: Good evening.

Ms. D. Lowery: I'mma, I'm kinda confused. I'm here to speak on behalf of my future son-in-law, Doug Lawson. I don't know if that's what this is all about. I was told that there., we could speak tonight. And I wanted to come and make my presence known because Doug Lawson is a gift to the City. He's an honest, decent young man. He works very hard for the City of Riviera Beach.

I was born and raised in West Palm Beach. My parents had ten children. And, Doug is engaged to my granddaughter, and he is a decent, hardworking young man that cares very much about the City of [stammer] Riviera Beach. He was honored in this same place last week for working with domestic violence victims.

He is a tribute to the City. We need more.., we really do need more young, black males like Doug Lawson. He cares for this City. He cares about young blacks. And we, as blacks, we need to care more because we're losing a lot of our children to the streets. Doug work diligently to come up with things to keep our young people interested. And, as I said, he was honored here last week for working with domestic violence victims. We need Doug in the position that he's in, and God willing, he's gonna move further. And he's gonna do great things for this City.

So, I don't know what the plan is for Doug. I understood that there were, there was talk about getting rid of him because of a situation that occurred between him and my granddaughter. Now, you know, I love my granddaughter, so I wouldn't be standing up here taking Doug's side if there was truth to any of the things that's being said about it.

Let Doug do the job that he's trying to do. He really, sincerely cares for this City. He's honest, he's decent, he's hard working, and he's very, very smart. And he's handsome too.

[Chuckles]

Chair Pro Tem Miller-Anderson: Thank you.

City Clerk Anthony: Regina Simon, Gene Eckels...

[Timer]

City Clerk Anthony: ...William Wiley.

Ms. R. Simon: Good even'.., good evening everyone. Madam Chair, Mayor, Councilmen and women. Thank you for your time.

I'm gonna sound a little tight. My breath is not good right now. I just left chemo. Came straight here, 'cause this is very, very important to me. As a matter of fact, that was my mother. I am, full disclosure, going to be, God willing, the mother-in-law to Doug Lawson. And, I made a point of coming here tonight, after all the stuff that happened last week. Excuse me. After all the stuff that happened last week, and everything that was being said on both sides.

As a mother, I would hope no one would want their child to ever be, whether it's a man being abused or the woman being abused. No one would want that. My question to you guys tonight is, who called the police? Has anybody asked that question? Who called the police? My daughter did not. I'm sure Doug didn't. Someone called the police. Why did they call the police? Was it something they saw? Was it something.., how did they see it in the first place? Those are questions that I still have.

The, the videotape or whatever.., and whoever is sighing, you can leave. I am not here to, to, you know, try to take sides. All I'm here to do is to ask you guys, just like the young lady did before, if there's an investigation, let's ask the right questions.. How did the tape get to someone that evening, so it could leak into a paper, or Facebook, that morning? Those are questions.

To me, it seems like it's politically motivated. I'm not sure. I'm just.., I have an opinion, like we all have opinion. But opinions are not facts. And the fact of the matter is, Doug did not abuse, nor did he hurt my daughter. And so, I'm asking.., I don't know if this true, but we know how social media is.

If you guys are voting, or trying to vote Doug out of office, ask the people that he serves. Ask the seniors that he goes to and do the work for in this community every day. Ask them if he should be removed. Ask the kids that he mentors that.., if he should be removed, because, as a leader, as a Councilman, what is his crime? Where's his crime for his job? What's...

[Timer]

Ms. R. Simon: ...all you guys have?

Chairperson Lanier: Thank you.

Ms. R. Simon: Thank you.

City Clerk Anthony: Gene Eckels, William Wiley, Doretta Paulk.

Mr. G. Eckels: How are you doing? I'd prefer to wait 'til the City Attorney come back but since she's not here. My name is Gene Eckels.

I own a, a vessel that's out here, anchored in just never, never land, that nobody knows about. I own a vessel that's anchored out here in here in the never, never land, called the Lagoon. It's a Florida registered vessel.

Now, the other day I got a bunch of these things from Officer Brau coming over to enforce some county Ordinance about a floating structure. Now, the floating structure Ordinance doesn't apply to registered vessels. Now what I have is a dock with a ramp to allow my handicapped wife access to my boat. Now it's a, a pertinence to my vessel. It moves with my vessel.

So, I called Major Lewis today and says, 'Well, who do I see about this?' 'Well,' he says, 'well, there's been no action on it yet.' I said, 'What do you mean no action? I got five of these sitting on my boat. Somebody acted on it..' He says, 'Well, we're gonna talk about it and figure out about what to do.' I said, 'Well this thing says I gotta move by October 1st..' I said, 'Well, who do I see?' He said, 'Well, I, I sent it up to the City Attorney.., City cou'... Legal.' I said, 'Well, alright.'

So, who do I see... I said, 'Are you gonna send this thing up to the City Council?' I said, 'Where's my representation? Where.., you're, you're just gonna make a, a, a ruling and you don't have my input on anything?'

So I've got one minute and twenty-three seconds and I'm just gonna make a few short statements. The lady spoke about the pump out on the Lagoon. All this.., all these floating people with, with the turds floating around. What you guys really need to do is get a pump out boat that services the area. That's what all the local ports and harbors have, and that's what you need.

When it comes to the maps, there is no map out there. If you look at the..., the only thing you got is the property appraiser and it says half the damn Island is owned by the C'..., by you guys and the other half is Palm Beach Shores. Well, I'm pretty sure somewhere in there, are some federal waters. And some state properties.

So, I'm out there. This guy's enforcing stuff for the county, like you've said..., the other guy said. He don't know nothin'. He's just..., he don't like my boat and decides to put this on it. Now, there's about thirty or forty other floating structures that actually meet the criteria. But mine's a registered vessel. It don't meet no criteria. What am I supposed to do?

City Clerk Anthony: William Wiley, Doretta Paulk.

Mr. W. Wiley: Good evening, Council. My name is William Wiley. Born and raised here in Riviera Beach.

As Mrs. Shepherd said, my mother taught here for thirty-three years at Suncoast Community High School, and I'm teaching now. And, I think it's ironic that if I did something of this nature, that definitely the School Board would call for my job immediately. And that's one thing that I'm a little upset about because I've seen this happen before in the school system, where either someone touched the kid or someone handled the kid the wrong way, or any kinda violence with the kid at their job, they're automatically suspended and [inaudible] further investi'..., investigation but evidently that's not the case now.

Transparency and accountability is something that I truly believe in. Even managing FedEx and Office Depot, that's something I've always done. Respect the City's image. The reputation is something that each City official should actually fight for with the City.

Mr. Evans, I personally went out and got about three hundred signatures during your recall. And I remember stopping at Wawa and Winn'..., and Walmart and getting signatures for you to come here 'cause I believe that you would do the right things and you wanted to move this City in the right direction. And I still do. And being a City Manager, I expect you to do the right thing and make sure this doesn't get brushed up under the rug.

Myself, the City, the Police Department, and our community expects some type of action, or some type of discipline. This action should not result..., should have resulted in a suspension immediately.

But, this is my issue with this whole process. Why should we have to get an external investigation with this? Why can't we handle things in-house? Why can't we handle things..., Riviera Beach handle things and get things done for ourselves? Why do we always have to wait and get someone else to do something exact, making it seem like we can't do our job here in the City of Riviera Beach? That's why we need accountability here.

Now, I promised someone that I respect and love very much that I wouldn't do this, but I am. And, Mr. Lawson, I'm about to make an exception for you. I knew you were wrong for this City in the beginning since day one, because I know the people who sent you, and I know the people who support you. I knew you was wrong for the City from the beginning when it was identified that you never voted in the City before, prior to you getting voted in 2019. Which means you were not even here in the City, or you were here and didn't care about our demo'.., our democratic process.

Then, the audacity to accept an award for the very crime that you were accused of, that we saw on video, and people to defend that like that was the right thing to do.

Palm Beach Post didn't say , Doug Lawson.' The Palm Beach Post said, 'Riviera Beach Councilman.' Again, bringing embarrassment to our Cit. Ladies and gentlemen, to put your woman, your fiancé, in front of the camera, to take all the heat for something that a real man should [stammer] took responsibility for, I can't applaud that.

My name...

[Timer]

Mr. W. Wiley: ...is William Wiley. I'm running for office for District 5.

Chairperson Lanier: Thank you.

Mr. W. Wiley: Give the City a chance.

City Clerk Anthony: Doretta Paulk, Fane Lozman.

Ms. D. Paulk: Good evening. My name is Doretta Paulk.

I'm here tonight.., I was really gonna express some of the things that I have gone through in my career when, before I retired. There would be women coming in that we had to take care of. And some are not physically broken, you can't see any bruises, black eyes, teeth mi'.., missing, because it's mental abuse.

And, I'm a mother. And if I saw what you have done, Mr. Lawson, to your fiancé, it's appalling. You did commit domestic abuse. And I'm not judging her mother, her grandmother, but if someone did that to my daughter, I would definitely have them arrested. I would come after that person.

You got [inaudible] right. And I applaud you for having a independent investigation. 'Cause sometimes it's.., when it's done inside, it is swept under the carpet. We have.., we know that from the past.

Some of these women that come in, when I was working, their self-esteem, their ability to think clearly, is very destroyed, tattered and profoundly they feel that they are nothing. A lot of 'em are controlled by.., they don't have the financial means to leave this perpetrator who's doing domestic violence.

My husband has never picked me up, pushed me against walls, picked me up again and throw me down. Pull me out of the car like a ragdoll. That's domestic violence. And shame on you. Mr. Lawson, shame on you. How could you have treated her like this and.., for love?

Young lady, all I can say, please think before you say I do, 'cause you are a part of the Me Too Movement, whether you know it or not.

You brought your daughter, a beautiful young lady, to Lindsey Davis and introduced all of us to her. Beautiful. Would you like to see your daughter being treated...

Councilperson Lawson: Madam Chair?

Ms. D. Paulk: ...like that?

Councilperson Lawson: Madam Chair? Madam Chair? Enough...

Ms. D. Paulk: [Stammer]...

Councilperson Lawson: ...is enough.

Ms. D. Paulk: This is my time.

Councilperson Lawson: I, I'm.., I don't care...

Ms. D. Paulk: [Inaudible]...

Councilperson Lawson: ...if it's your time. Do not bring up my daughter.

Chairperson Lanier: The time...

Councilperson Lawson: Madam Chair.

Chairperson Lanier: The time is up.

Councilperson Lawson: Please. Leave, leave...

Ms. D. Paulk: I'm just saying, how would like...

Councilperson Lawson: Leave my...

Chairperson Lanier: Your time is up. Point of order.

Ms. D. Paulk: If it touches a nerve, that's good. So you won't ever do this to...

Chairperson Lanier: Ms. Paulk...

Ms. D. Paulk: ...[inaudible].

Councilperson Lawson: Unfortunately...

Chairperson Lanier: ...your time is up.

Ms. D. Paulk: [Inaudible].

Councilperson Lawson: ...we're using pol'...

Chairperson Lanier: Time is up.

Councilperson Lawson: ...your agendas and your paid comments to come up here...

Chairperson Lanier: Sir.

Councilperson Lawson: ...and act...

Chairperson Lanier: Sir.

Ms. D. Paulk: [Inaudible].

Councilperson Lawson: Madam...

Chairperson Lanier: Please refrain from comment, sir.

[Inaudible audience comment]

City Clerk Anthony: Fane Lozman.

Unk. Audience: [Whoa sound].

Mr. F. Lozman: Fane Lozman.

I gave you guys a handout called Live Aboards. And this is the top left corner, The Department of, of Environmental Protection, the State of Florida. The City is in violation of state law relative to live aboards in the Riviera Beach Marina. Botel coordinated with John Sprague to have year around live aboards in the City. You can't do it. It says you can do five consecutive days or a total of ten days within a thirty day period. No more than six months in a twelve month period.

That used to be the law on the books and Botel, who's been corrupted by the Loggerhead guy, is now allowing year around live aboards in the Marina. I've talked to Scott Woolam at State Lands, I've told him what's been going on there. I hope they revoke the dedication and put this Marina on your lease and take control of it because this woman just does what she wants. She doesn't care about the law, she just thinks she runs the City, does whatever she wants.

You know, she called up the City Manager and said, hey, I'm not allowed to have a fence, after we spent \$11,000 putting a fence in with a permit. And then she says it okay for the residents on Pine Point Road to rip it down. She is totally out of control. I mean, I've been down this road before. I filed a civil rights case. All I wanted was nominal damages. I got one dollar, and \$875,000 to reimburse me for my legal fees. So, I mean, Botel needs to go.

Now, relative to Lawson, I'm not a friend of Lawson's. You know, Lawson voted to down [inaudible] my property. I'm not a friend of his. But I looked at the videotape, I

listened to the grandmother, I listened to the mother and Mothers Against Drunk Drivers, did we want this woman to drive drunk and go kill somebody? 'Cause then we woulda said, 'Hey, Lawson, why didn't you do something to stop this drunk woman from driving?' Okay? So, I'm not a friend of his but I think he did the right thing. Because, at least this woman didn't go out there and kill somebody and drive drunk. And if he had to hold on to her from doing that, that's what people should worry about. What about the Mothers Against Drunk Driving?

And Lanier wants an investigation into Lawson. Why don't we do an investigation on you, Ms. Lanier? I wanted to pull your personnel file last, last year. I talked to Lynne Hubbard. Lynne Hubbard used to be Botel., Lanier's boss, when Lanier was an administrative assistant for Ms. Hubbard.

And, Julia Botel told me all about Ms. Lanier. That Ms. Lanier was fired from the City as an administrative assistant for failing a drug test, testing positive for cocaine on two times. So, I went and got the personnel file at public records and the exit interview done by Ms. Hubbard was missing. And the drug results were all redacted out.

So somebody did a big coverup on your record. And we need to have an investigation. Why don't you call for an investigation, Mr. Lawson, don't be a coward. I wanna see where the exit interview is from Ms. Hubbard. What goes around, comes around.

And finally, Mr. Lawson was supposed to be the Chairperson. But conveniently, we have a woman who was fired as administrative assistant...

[Timer]

Mr. F. Lozman: ...running this City. Disgusting.

Chairperson Lanier: Thank you, sir.

City Clerk Anthony: Madam Chair, Members of the Board, that concludes public comments at this time.

Chairperson Lanier: Very good.

Next Item.

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Oh, I'm sorry. Let, let, let us go ahead and get some feedback from the City Manager on some of these issues before we move forward.

City Manager Evans: Madam Chair, just for the viewing audience and, and some people may be in attendance related to Fire Station 86. That Item has been postponed and will be coming back before the Board at the first meeting in October. So, I, I did want to state that.

With regards to the gentleman that spoke on the voting issue. I'm gonna ask for Chief Osgood to make contact with that individual and, and get to the bottom of that particular matter, and, and we'll work with Legal with respect to that. I don't know if Legal was informed with regards to that particular Item, as Administration was not.

One of the things I do wanna make a.., provide some additional clarity, Madam Chair. The City of Riviera Beach is committed to ensure that transparency, accountability, and responsible governance occurs in all aspects of everything we do. And, no person, more than me, wants to ensure that the truth and the facts to the detainment of Councilman Lawson, comes out.

And so, as a result of that, we have engaged a firm by the name of Blueprints for Public Safety to assist in the third party independent evaluation and review of the detainment associated with Councilperson Lawson. This particular entity will work in close collaboration with the internal Affairs officer and, as a result, we are taking unprecedented steps.

Effective immediately, I am relocating the Internal Affairs Division of the Police Department outsider of the Police Department to ensure that there is no appearance of improprieties or no opportunity for influences. This study will be comprehensive and will look at all aspects associated to the matter.,...

[Inaudible audience comment]

City Manager Evans: ...from the detainment to the directives, and to the process that was followed or wasn't followed.

Once that information is complete, we will certainly share that with the community and the elected body. In the event that there is any improprieties, any unlawful directives, or activities that impune the reputation of this agency, I will act swiftly and decisively with regards to employment actions. We want to ensure that the public's trust and transparency and ethical practices rings true in every department that we have in this agency.

And so, when the investigation is complete, we will share that. But one of the things I think is important, that we understand that not emotions, not political innuendos, not philosophical perspectives will sway the facts and the information that will come out as part of this investigation. Good, bad or indifferent, we will own the information that comes out as part of the investigation.

Pursuant to Florida statute, this investigation is confidential until it is complete. So we will not be providing anymore remarks or discussions related to the topic, and allow for the investigatory agencies to do the job that we have hired them to do.

As soon as the information is completed, we have no problem sharing that with the public in a transparent and responsive way. But I ask you to allow for us to operate swiftly, decisively and to ensure that the facts are what drives the decisions that we make as an agency.

And so, this is something that is a fundamental tenet of what we do, from Administration to the governance that's provided by the Board. This process will be above reproach and will be a transparent process. And will not be moved or swayed by anyone.

And so, I did want to make that statement. And I wanted to make it abundantly clear that we will move forward. And once the information is completed, we will share that with the public, as well as the elected body.

Thank you, Madam Chair.

Chairperson Lanier: Thank you.

Next Item, please.

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes, sir.

Councilperson Lawson: Thank you.

I just wanna respond to ja few comments.

Thank you, Madam Chair.

And, this is response to Mr. William Wiley. For you to close your comments with, 'I'm running for City Council District 5,' is the utmost disgusting, despicable act I've seen. To use this situation as political gain, Mr. Wiley, is unfortunate that you would consider that this is the direction that need for the City.

Ms. Paulk, if you have any concerns or issues in regards to your taxes, policymaking, or the concerns of this elected official to serve this community that was duly elected, I'll be sure to address. My daughter is off limits. Do not address Madison Jade Lawson. Do not address my fiancé. But in reference to that, I will serve this community for what I was elected to do, which is be a policymaker. And unfortunately, this is something we will deal with until March, and for the near future.

Thank you.

Chairperson Lanier: Next Item, Madam Chair.

19. City Clerk Anthony: Item No. 19.

City Clerk Anthony: ORDINANCE NUMBER 4187 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, FIXING THE ADJUSTED TAX VALUATION OF REAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY; LEVYING A TAX ON REAL PROPERTY AND TANGIBLE BUSINESS PERSONAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING ON SEPTEMBER 30, 2022 FIXING THE MILLAGE RATE OF 8.4520 MILLS THEREON FOR SAID YEAR; THAT THE MILLAGE RATE OF 8.4520 is 3.08% HIGHER THAN THE ROLLED BACK RATE OF 8.1996;

PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

RANDY M. SHERMAN, FINANCE AND ADMINISTRATIVE SERVICES DIRECTOR, 561-845-4040

City Clerk Anthony: Madam Chair, Members of the Board, we do have public comment on this Item. The acceptance of public comment on this Item is now closed.

Chair Pro Tem Miller-Anderson: So moved.

Chairperson Lanier: Second.

Mr. Evans.

City Manager Evans: Madam Chair and Members of the Board, I would ask that the Finance Director, Mr. Randy Sherman, make this presentation.

Finance and Administrative Services Director Sherman: Good evening again. Randy Sherman, Finance Director.

As this is the second reading on the Ordinance to adopt the millage rate at 8.452, just the same millage rate that the City has held for, well, about six years now. And this was passed on..., the public hearing was on September [inaudible] and has been duly noticed.

And I can take any questions that you may have.

Chairperson Lanier: Ares there any questions in regards to this Item for Mr. Sherman? Do we have any public comments? Alright. Very good.

We'll take public comments and then we'll have you ask any questions that you need to.

City Clerk Anthony: Fane Lozman.

Mr. F. Lozman: Fane Lozman.

As I said previously, I have fifty-one acres. Fifty-one acres in Singer Island. My friends own another thirty some odd acres. That's eighty some odd acres. So when you raise the taxes three percent, you wanna why. Now, I asked the question at the last meeting for the budget and no one gave me an answer. And people who see me on TV have talked about it, say, 'Why didn't they give you an answer?' So I want an answer tonight. I wanna know why our taxes are going up when we have a City Manager who makes over \$400,000 a year? He makes more than the President of the United States. That's what he made last year. I saw his W-2.

What is going on? I want an accounting of how much his salary was, how much was this pay raise he gave himself? How much was his money that he's owed from the...

[Cellphone music]

Mr. F. Lozman: How much money is he owed from the CRA gonna be doing that job?

Madam Chair, can you stop my clock while this woman does [inaudible] with her phone?

Chairperson Lanier: But Mr. Lozman, you have to talk about Ordinance 4187.

Mr. F. Lozman: I, I can't hear with this lady's phone.

Talking about the Ordinance. I, I think that we have to have an account. You just can't shove through a three min'..., a three percent pay raise.

We want an account'... When we have a question regarding the, the tax increase, and we have a specific question regarding one of the biggest items in there, the City Manager's salary, why was my question not answered? As a taxpayer, me and my friends, we wanna know why this man's making over \$400,000 a year.

I think we're entitled to that. I think our elected officials, who had questions with the original contract, Mr. McCoy and Mr. Lawson. Why don't you ask those questions on behalf? I want an accounting of what this man made last year.

In addition to that \$190,000 settlement he got, I want an accounting [inaudible]...

Chairperson Lanier: Sir, that is not..., has nothing to do with...

Mr. F. Lozman: It...

Chairperson Lanier: ...Ordinance 4187.

Mr. F. Lozman: It does.

Councilperson McCoy: [Inaudible].

Chairperson Lanier: 41...

Mr. F. Lozman: It's raising...

Chairperson Lanier: ...87...

Mr. F. Lozman: ...the millage rate. The millage rate should not be raised 3.08 percent. Maybe it should be raised two and half percent, after he gets what his contract said. Okay? The millage rate would be lower if he was paid according to what an..., what a City Manager should be paid.

The County Administrator makes \$285,000 a year. \$285,000 a year to run the whole county. To run..., I don't know, tens of thousands of employees. She makes two eighty-five. Why do we have a poor City, and we're paying a man over \$400,000? That would make the millage rate less.

McCoy, Lawson, KaShamba Miller-Anderson, we want some questions. The taxpayers wanna know will our millage rate be lower if we pay what the City Manager in

a City this size should get? Why are we paying him more than the President? No one gives us an answer. But people have that question.

We know that three of you helped push him in there, Ms. Andersson, Ms. Lanier, and Ms. Botel. We wanna know. It's not your money that's paying it.

[Timer]

Mr. F. Lozman: It's the taxpayer's...

Chairperson Lanier: Thank you...

Mr. F. Lozman: ...money.

Chairperson Lanier: ...sir.

City Clerk Anthony: Madam Chair, Members of the Board, that concludes public comments on the Item.

Chairperson Lanier: Are there any questions in regards to Item No.19?

Councilperson McCoy: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson McCoy: So, I don't have questions. And let me go ahead and say that I didn't support this Item on first reading so, I mean, I certainly understand and hear the comments that was, that was offered by the last speaker but, you know, I think every year I've been here, I voted against the millage rate. And I plan on doing again tonight.

And here's why. I think he was correct in saying that we are increasing 3.8%, 3.08 percent from last year. And last year, we increased it six percent. And my concern is, the millage rate, I mean, obviously, it is really basically no different than the tax rate of appraised value of a property. But, even with property values increasing, we still find a way to ask more money from the taxpayers. And we talked about, in 2020, at least in one of the Manager's memos, that we were gonna take austerity measures, which essentially means we were gonna rollback on expenses.

In fact, we did exactly the opposite. There has not been any significant change, certainly that doesn't even commensurate with the six percent or three percent, that we increased. So, I won't be supporting this tonight. And, what I will say, and this is gonna be elaborated more on the next Item is, you know, this budget has been completely different than past budgets that we've been presented. And I've shared this at this last..., I shared this at first reading, and even recent as yesterday with the Manager.

And specifically, we're now, for some reason, without any direction from the City Council or the Utility District Board, are now interchanging between when we have the capital projects at the Utility District. Now, all of a sudden, we're moving capital projects underneath the City.

I mean, clearly, I, I spent enough time to pull the Resolutions that were adopted September 16, 2020, and we actually passed a capital plan under Utility District. Well, this year we have no capital plan under the Utility District. For some reason or another, it's been shifted to the City.

I don't understand one day from the next. And, I mean, I'm not certainly a finance director, but I spent time in accounting, and I wanna be able to trace taxpayer dollars from one year to the next. And without this Board giving a direction, it seems like to me, I work for Staff and.., as opposed the other way around.

You know, one of the things came up, and it just, it just pains me so much that someone would make a comment that specifically says, 'Mr. McCoy should know that the Parks & Rec Department doesn't make money.' Well, I should but the fact is, we're not even provided with that information.

You know, to know that, and what some people have said is their opinions that, I guess the specific Recreation Department has lost year after year, nowhere has it ever been presented in that fashion. I already knew that about Barracuda Bay, that was no secret. In fact, that is a cost center I think and we all agreed that it was more of a public accommodation and it wasn't designed to actually even break even for that matter.

But some of the other operational programs, we were asked to basically outsource them without even getting any numbers and.., as if we should've known. You know, quite frankly, we don't have pass any Ordinances, we don't have to do any Land Use amendments. Obviously the statute requires that we pass a.., adopt a Comprehensive Plan every ten years. But more important, we have to adopt a budget.

And, quite frankly, I just don't see how, being fiduciary agents, we can continue operating in the same fashion. And, you know.., and, and certainly not to address that specifically but when I had someone to bring to me the Manager's salary, I specifically asked him str'.., directly, 'Sir, that's not what we approved. I didn't understand you to make that kinda money in 2020.' And that's a surprise to me. I'm only here for public service, and I'm not here because I'm somebody's friend. And if you are my friend, you should expect that if it's not right, I'm gonna say something about it.

And, I mean, this is purely not personal but there is a real problem with the City's finances. And if nobody but me can stand up and say something about this, this is a problem. Because, almost in the O.J. Simpson trial, if the shoe doesn't fit, you oughta acquit. I'm sorry, if the glove doesn't fit, you oughta acquit. This doesn't fit, that one year we're doing it one way and the next year we're doing a completely different way. And both years, over years, we're increasing [stammer] the millage rate, as well as the property values are going up.

Those are the reasons that I'm not gonna be able to support the millage rate, nor am I gonna be able to support the operational budget for the City, because there's no austerity.

Thank you.

Chairperson Lanier: Thank you.

Any other comments in regards to Ordinance 4187?

City Manager Evans: Madam Chair, if I may?

Chairperson Lanier: Yes. Go ahead, sir.

City Manager Evans: With regards to the, the increase associated with [audio skipped] that is strictly derived on the increase associated with the property values. Also, the last budget did incorporate a reduction of \$1.8MM in vacant positions and personnel. We've also reduced spending by a \$120,000 by exiting out the lease agreement with the..., for the CRA. And we also reduced an addition \$200,000 from the lease agreements that we did over at the Port Center. And then, we save \$532,000 with changes that we made to the health insurance. So, we have taken some steps, significant steps, to reduce spending in the agency. And there are..., and that's just the ones I can remember off the top of my head.

Also, Mr. Sherman has done some research in regards to the budget and the budget process, dating back to when he came to the agency. And, Mr. Sherman, correct me if I'm wrong, last year was the only year where we had the capital budget incorporated on the Utility District side. In most cases, it has been historically placed in the City budget as part of the City budget process.

Mr. Sherman, if you wanna speak to the, the budget process for every other year besides last year.

Finance and Administrative Services Director Sherman: Act'..., actually, you were correct.

I went back to..., every Resolution from 2013 forward and..., with the exception of the years and the elected officials [audio skipped] the Resolution, they are effectively word for word, the process has been followed consistently. Again, last year, there wasn't a change because of the \$15MM that we were taking from the operating fund and moving it over to capital as part of the capital budget.

And, the capital budget was adopted by..., on the City side. And because of that \$15MM, I t thought it best, and that was, you know, an Item that I submitted that, for transparency purposes, that it be adopted on the Utility side as well.

You know, and then this year's Resolution goes back to how we had done it in the past.

Councilperson McCoy: Madam Chair?

Chairperson Lanier: Are you fini'..., [stammer], is that your statement?

Finance and Administrative Services Director Sherman: Yeah.

Chairperson Lanier: Okay. Very good.

Go ahead, sir.

Councilperson McCoy: Well, I'll be darned. I got elected to vote. If anybody should know that, it should be us. When I brought this up in budget workshop, it was specifically said that nothing had changed for the last five years. And what you're saying now is, 'Yeah, it changed last year.'

So, I'm sitting here wanting..., yes, here it is. The Resolution of the Board of Directors of the City of Riviera Beach Utility Special District, Palm Beach County, Florida, adopting the Fiscal Year 2020/2021 operating budget, adopting the Fiscal Years 2021 through 2025 capital plan for the Utility Special District and authorizing the Finance Director to transfer \$15MM from the capital fund to the renewal and replacement fund in support of the capital plan, and providing an effective date.

But this year, we didn't do that for the USD. What we did was, instead, adopted a capital plan solely for the City. And I'm..., and I mean...

Finance and Administrative Services Director Sherman: Yeah.

Councilperson McCoy: ...quite frankly, it just... I mean, you're..., I'm being placed at a disadvantage, quite frankly. Because, if you're saying you knew this and the Manager knew this, when I brought this up that this was inconsistent than what we did before, I mean, you gotta help me out. That's completely unfair to me. If you're gonna say, 'Yeah. We always had it, the last five years, with the exception of last year,' to me just seems that that's completely disingenuous on the Finance Director, and even the Manager's, position.

Because, quite frankly, I [stammer] and even, I think it was through a comment of KaShamba Miller..., I'm sorry, Councilwoman Miller-Anderson, that said the same thing. This is definitely unusual. But if we're gonna change, I'm okay with it. But don't make me look like I'm a fool and I don't know what I'm talking about, 'cause I specifically spent hours reviewing this.

And when I look from year over year, if there's no clear nexus between what happened in 2020, carrying over to 2021, I think it's proper for me as a fiduciary agent, for not [audio skipped] Randy Sherman, Jonathan Evans or anybody on this Board, or any of my friends, but for the people that we serve. Whether they pay taxes or not, this is services that affect everybody. Not just today, but years to come. And I just don't think that what you're saying to me, or your justification, is right in any manner. Because it's clearly wrong, and we didn't pass it the same fashion last year.

And, and, you know, Madam... Let me say this to Ms. Wynn. Ms. Wynn, you know, currently that action is still pending and, you know, I think you guys have already established, and this should be certainly, if not grounds for summary judgment, at least the City to hurry up and settle, that we made the mistake in doing this improper the last time.

And I am gonna be looking forward to continuing that action because, you know, we passed rate water rates that was done improperly. I mean, so this is not the first time

that we've gotten it wrong. I just want a organization that can admit that we made a mistake, or we overlooked something. And I'm okay with that, because we all do. But I'm not gonna be okay with a conspiracy or coverup, or seem to act like the, the problem or the error didn't exist. That, I'm not gonna take part of. And that goes to the very core of being ethical.

That's all I have, Madam Chair.

Chairperson Lanier: Thank you, sir.

City Manager Evans: Ma'..., Madam Chair, if I may?

Chairperson Lanier: Yes. Go ahead.

City Manager Evans: With regards to the budget process and the process that we have followed, we look at a multitude of things. We look at past practice, we look at what policy says, and we look at areas for improvement. There's not a situation where we're gonna get it right a hundred percent of the time. But, we do the best we can with the information and the resources we have.

So when you look at a situation, when it talks about rate increases. First off, there was no rate increase that was passed. The last rate increase was 2015. Every rate increase that occurred since the inception of the Utility District, was followed the same way. So, once the information was provided to us, we then said, 'Okay, we need to take the necessary steps to cure and correct the issue.'

We want to do it right. We want to get it right. But we have to work collaboratively as a Board and as Staff to remedy the situation. If there is some concerns, we work together related to that. The ship moves when everybody is rowing in the...

Councilperson McCoy: I'm sorry...

City Manager Evans: ...same direction...

Councilperson McCoy: The what moves?

Chairperson Lanier: Sir, let him finish his conver'...

Councilperson McCoy: What, what...

Chairperson Lanier: Let, let... [Stammer]... Hold on, Mr. McCoy, let him finish.

City Manager Evans: Ship. Ship.

Councilperson McCoy: Oh. I'm sorry. And, thank you for clarifying. I thought you something else.

[Chuckles]

City Manager Evans: No. I don't curse.

Chairperson Lanier: Go ahead. [Chuckle]. Is that it...

Councilperson McCoy: I'm sorry.

Chairperson Lanier: ...Mr. Evans?

City Manager Evans: That's it, Madam Chari.

Chairperson Lanier: Alright. Very good.

Mr. McCoy.

Councilperson McCoy: No. I, I don't have nothin'.

Thank you.

Chairperson Lanier: Alright. Very good.

Mr...

Finance and Administrative Services Director Sherman: I have...

Chairperson Lanier: Alright.

Finance and Administrative Services Director Sherman: ...[inaudible].

Chairperson Lanier: Excellent.

Finance and Administrative Services Director Sherman: Thank you.

Chairperson Lanier: Alright. Let us, Madam Clerk, have a roll call.

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes, sir.

Councilperson Lawson: There's still unreadiness.

Chairperson Lanier: I'm sorry?

Councilperson Lawson: There's still unreadiness. There's still concerns from your colleagues.

I have a question, Madam Chair.

Chairperson Lanier: Oh, well, go ahead. I asked were there any other questions.

Councilperson Lawson: Mr. Sherman, what was the adopted millage rate last year? The last...

Finance and Administrative Services Director Sherman: The...

Councilperson Lawson: ...[inaudible] cycle?

Councilperson McCoy: The same.

Finance and Administrative Services Director Sherman: The millage rate was 8.452.

Councilperson Lawson: 8.452?

Finance and Administrative Services Director Sherman: Correct.

Councilperson Lawson: So, we're adopting the exact same millage rate. And, the only increase, or the additional amount that we're paying today is.., the only addition that we have to our budget is based upon the property values going up.

But we haven't actually increased the millage rate this year?

Finance and Administrative Services Director Sherman: Correct.

Councilperson Lawson: Alright.

So, we're keeping the millage rate the same. The rollback was the.., if you could explain the rollback so that some of the residents and individuals watching can understand.

Finance and Administrative Services Director Sherman: Yeah. What the rollback rate is, is that is the rate.., it, it's a calculation of a millage that would produce the same amount of revenue as the prior year. So, because property values go up that, in essence, would be offset by a lower millage rate for the math to come out to the, to the same.

So, it's a requirement that we publish that. And in this case, the rollback rate would be 3.08 percent lower than the 4.52. But it's not that, that is the rate and we're increasing it, we're hold it at the same amount...

Councilperson Lawson: Okay.

Finance and Administrative Services Director Sherman: ...as last year.

Councilperson Lawson: And, to that point, I just wanted to commend yourself and Mr. Evans. We were able to keep the millage the same. A lot of other municipalities are actually increasing their millage...

Finance and Administrative Services Director Sherman: Mhmm.

Councilperson Lawson: ...and were looking at increased taxes. We're actually keeping it at the same rate.

And what I wanna challenge our Staff to finding additional revenue streams, additional funding, to be able to lower it for our residents. 'Cause, before we leave this office, I wanna make sure that we can actually reduce those taxes for our residents, and just kind of show something that we're gonna work together, as Mr. Evans stated.

I'm actually very proud that we were able to keep that millage rate the same, 'cause just looking at where we stand and economically where the community's gonna be over the next three to five years, especially with the development that we're looking to bring to this community, we're still in very good shape, that we can keep those taxes the same.

Thank you, Mr. Sherman. Thank you, Mr. Evans.

Chairperson Lanier: Yes. Thank you.

Any other questions in regards to this Item? [Pause].

Madam Clerk.

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: Yes.

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: No.

City Clerk Anthony: Pro Tem Miller-Anderson?

Chair Pro Tem Miller-Anderson: Yes.

City Clerk Anthony: Chair Lanier?

Chairperson Lanier: Yes.

City Clerk Anthony: That motion is approved with Councilperson McCoy dissenting.

Chairperson Lanier: Next Item.

20. City Clerk Anthony: ORDINANCE 4188 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, MAKING APPROPRIATIONS AND ESTABLISHING A BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2021 AND ENDING ON SEPTEMBER 30, 2022; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

RANDY M. SHERMAN, FINANCE AND ADMINISTRATIVE SERVICES DIRECTOR, 561-845-4040

City Clerk Anthony: Madam Chair, Members of the Board, we do have public comment on this Item. The acceptance of public comment on this Item is now closed.

Chair Pro Tem Miller-Anderson: So moved.

Chairperson Lanier: Second.

Mr. Evans.

City Manager Evans: Madam Chair and Members of the Board, this is Item is approval of the Fiscal Year 2021/2022 budget. The budget is balanced based on the millage rate that you just adopted, of 8.4520 mills. And this would be the necessary funding to fund government services for one fiscal year.

And Staff recommends approval of Ordinance 4188.

Chairperson Lanier: Very good.

Are there any questions in regards to this Item?

Councilperson McCoy: Yes. Madam Chair.

Chairperson Lanier: You know what, Mr. McCoy? Let me take public comment and then I will come back to you.

Councilperson McCoy: That's fine.

Chairperson Lanier: Thank you.

City Clerk Anthony: Fane Lozman.

Mr. F. Lozman: Fane Lozman, Singer Island.

My comments on this Item are gonna be similar to my comments on the last Item.

Our budget is \$145MM. Reasonable, for a City this size. The county's budget, what do you think it is? \$5.4BB. \$5.4BB, and our budget's \$145MM. Okay? If you look at that, that's about thirty-seven times greater budget. Thirty-seven times, and the County Administrator makes two hundred and eighty-five grand. For a budget thirty-seven times greater. All those people that come under the umbrella of the county, she makes two eighty-five.

We have a man here, makes over \$400,000, more than the President. And I've been asking about it for the last couple meetings. When people take their time to come here, our elected officials are supposed to give us some answers. Not like, 'Oh well, we're not gonna talk about it. That's just, like, a dirty little secret.' How about some accountability? Everybody says that we want accountability for blah and blah, with Mr. Lawson. Okay? How about an accountability for where our tax dollars are going in the number one position in the City, the City Manager? Okay?

Why has there been no explanation as to why he makes significantly more than the County Administrator, who has a budget thirty-seven times greater? Why is a man..., President Biden, who runs a city, has a lower salary than our, our county... I mean, excuse me, our City Manager? Can somebody explain that to me? I've asked three times. Everybody doesn't wanna talk about it. Like a dirty little secret. We're not gonna talk about it.

Well, somebody should talk about it. We should have an accounting, as part of the budget, what was your contract? What did you actually get paid? You know, why is that [stammer] a dirty little secret?

I've talked with the Palm Beach Post. They're looking into it. They wanna understand why we have such a bloated salary for this man. Why is so much greater than the County Administrator? Why is greater than the President of the United States? They wanna understand. When you're sitting here, Mr. Lawson, Mr. McCoy, Ms. Miller-Anderson, you should say, 'Hey, can you give us an accounting? Mr. Sherman, can you break it down? What exactly did our City Manager make? You know, why is that such a big deal?

So, I come up here three times and ask questions why we're not even gonna talk about it. Public comment is for the public, not only to give their opinion, also to ask questions, and to get some answers. We would like some answers. I'm not the only person talking about it. I didn't get his W-2, somebody sent it to me. I was like, 'I don't believe this.' And I confirmed that it was true.

So why aren't you answering the question about the City Manager's salary? How did a contract for something, the \$200,000 range, pop into over \$400,000? What's going on here? Why? Because, because there was a 3-2 vote to approve his original contract?

You, you have to do better than that. If we're gonna take our time, you have to answer our questions.

[Timer]

Chairperson Lanier: Thank you, sir.

City Clerk Anthony: That concludes public comment.

Chairperson Lanier: Mr. McCoy.

Councilperson McCoy: Yes. Thank you, Madam Chair.

I actually did. And the, the answer is the pandemic pay, which I'll go ahead and remind you that back in 2020, I did say that that wasn't authorized by City Council.

Now, later on in this Agenda, you will see have SEIU negotiations. And it also is a, a new amended contract with also salary schedules, which is set by this body. Also, the Charter and the Code of Ordinances provides that the City Council shall set the salaries of the Manager, and also the Attorney.

That pandemic pay was not authorized by the City Council. And, you know, I've shared this with the Manager, I didn't think that he was entitled to it. So, that's your answer, Mr. Lozman. Thank you.

Mr. Sherman or Mr. Evans, the budget that we had before us, [stammer] does that encompass the monies that we're gonna potentially raise from the fire assessment?

City Manager Evans: Madam Chair, if I can have Mr. Sherman answer that question.

Chairperson Lanier: Alright. Very good.

Go ahead, Mr. Sherman.

Finance and Administrative Services Director Sherman: No. There's no revenue in here for the fire assessment fee.

Councilperson McCoy: So, if adopted, do we expect that that's gonna be in the 2021-'22 Fiscal Year, that that gets adopted?

Finance and Administrative Services Director Sherman: If you adopt it within the Fiscal 2020'..., 2021/2022 Fiscal Year, it wouldn't probably take effect until '23.

Councilperson McCoy: Even though we've amended the capital plan to encompass the..., I think it's \$30MM between the two Fire Stations?

Finance and Administrative Services Director Sherman: Yeah. But the, the payments on those Fire Station bonds don't kick in 'til Fiscal 2024.

Councilperson McCoy: Okay. Alright.

That's all I have.

Chairperson Lanier: Very good.

Any other questions in regards to this Item? [Pause].

Madam Clerk.

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: No.

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: Yes.

City Clerk Anthony: Pro Tem Miller-Anderson?

Chair Pro Tem Miller-Anderson: Yes.

City Clerk Anthony: Chair Lanier?

Chairperson Lanier: Yes.

City Clerk Anthony: That motions is approved with Councilperson Lawson dissenting.

Councilperson McCoy: McCoy dissenting.

Chairperson Lanier: McCoy.

City Clerk Anthony: My apologies. Councilperson McCoy dissenting.

Chairperson Lanier: Next Item.

21. City Clerk Anthony: **ORDINANCE NUMBER 4189 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, MODIFYING AND UPDATING THE CITY'S FIVE YEAR CAPITAL PROJECTS PLAN FOR FISCAL YEARS 2021/2022 THROUGH 2025/2026; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**RANDY M. SHERMAN, FINANCE AND ADMINISTRATIVE SERVICES
DIRECTOR SHERMAN, 561-845-4040**

City Clerk Anthony: Madam Chair, Members of the Board, we do have public comment card on this Item. The acceptance of public comment card on this Item is now closed.

Chair Pro Tem Miller-Anderson: So moved.

Chairperson Lanier: Second.

Mr. Evans.

City Manager Evans: Madam Chair and Members of the Board, this Item is seeking approval of the Ordinance before you this evening to effectively improve.., approve the Capital Improvements Plan, which provides funding for one year, that is associated with the Fiscal Year 2021/2022 budget, without years having unfunded projects.

At this particular moment, Staff recommends approval of the Ordinance that's before you this evening.

Chairperson Lanier: Any comment.., public comment?

City Clerk Anthony: Yes, Madam Chair, we do have a public comment card.

Bessie Brown.

Unk. Audience: She's gone.

City Clerk Anthony: Madam Chair, Members of the Board, that concludes public comment.

Chairperson Lanier: Any questions from the Board in regards to this Item?

Councilperson McCoy: Yes, Madam Chair.

Chairperson Lanier: Go ahead, sir.

Councilperson McCoy: So, I think I was correct in saying those Capital Improvement Plan items that was passed last year under UD Resolution 17-20-UD was now moved over to the City's capital plan. Is that correct, Mr. Evans?

City Manager Evans: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

City Manager Evans: Yes. The, the Utility District capital plans always included in the City's budget process, or, in the budget document.

Councilperson McCoy: With the exception of last year?

City Manager Evans: I believe it still was also included in the capital improvements.

Councilperson McCoy: Okay. Well, thank you. And I'm gonna disagree and read you exactly what was there.

A Resolution of the Board of Directors of the City of Riviera Beach Utility Special District, Palm Beach County, Florida, adopting Fiscal 2020 through 2021 operating budget, adopting the Fiscal Years '21 through '25 capital plan for the Utility Special District, and authorizing the Finance Director to transfer \$15MM from the capital fund to the renewal and replacement.

That was not the same as what... I mean, what we're...

City Manager Evans: Uh...

Councilperson McCoy: ...hearing now is not the same that we passed last year.

That's all I have, Madam Chair. I just wanna be clear on that.

City Manager Evans: Madam Chair, if I may?

Chairperson Lanier: Yes. Go ahead, sir.

City Manager Evans: I, I did state in the budget document. In the budget document, it is incorporated in the budget document.

Councilperson McCoy: Okay.

Thank you.

Chairperson Lanier: Thank you.

Are there any other questions in regards to this Item? [Pause].

Madam Clerk.

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: Yes.

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: Yes.

City Clerk Anthony: Pro Tem Miller-Anderson?

Chair Pro Tem Miller-Anderson: Yes.

City Clerk Anthony: Chair Lanier?

Chairperson Lanier: Yes.

City Clerk Anthony: Motion approved.

Chairperson Lanier: Next Item.

ITEMS TABLED

REGULAR

City Clerk Anthony: Madam Chair, Members of the Board, we are now down to Item No. 25.

City Clerk Anthony: **RESOLUTION NUMBER 99-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING SITE PLAN APPLICATION (SP-21-03) FROM RIVIERA BEACH JOF ESA I LLS AND THIRTEENTH STREET LLC. REQUESTING SITE PLAN APPROVAL FOR RECONFIGURATION OF THE PARKING, LANDSCAPING AND SITE TO SUPPORT A 117,700 SQUARE FOOT THIRD TIER DISTRIBUTION CENTER FACILITY ON 11.93 ACRES OF LAND IDENTIFIED BY PARCEL CONTROL NUMBERS 56-43-42-32-40-001-0000, 56-43-42-32-40-002-0000 AND 56-43-42-33-00-000-3010, HAVING A ZONING DESIGNATION OF GENERAL INDUSTRIAL (IG), HAVING A FUTURE LAND USE DESIGNATION OF INDUSTRIAL (IND); PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

CLARENCE SIRMONS, DEVELOPMENT SERVICES DIRECTOR, 561-845-4060

City Clerk Anthony: Madam Chair, Members of the Board, we do not have public comment cards on this Item. The acceptance of public comment cards on this Item is now closed.

Chairperson Lanier: Mr. Evans.

Chair Pro Tem Miller-Anderson: So moved.

Chairperson Lanier: I'm sorry. Go ahead.

Chair Pro Tem Miller-Anderson: So moved.

Councilperson Lawson: Second.

Chairperson Lanier: Second. Second.

Mr. Evans.

City Manager Evans:: Madam Chair and Members of the Board, if I can have the Director of Development Services, Mr. Clarence Sirmons, make this presentation.

Development Services Director Sirmons: Thank you, Mr. Manager. Good evening, Madam Chair, Members of the Council, Madam Attorney. I am before.., again, I am Clarence Sirmons, Director of Development Services, for the record. I am before you to present this Site Plan Resolution today.

The request is from the applicant for the reconfiguration of the parking, landscaping, and site for a 117,700 square foot third tier distribution center facility on 11.93 acres of land, identified by the Parcel Nos. read into the record. They have the zoning of Industrial General and a Future Land Use designation of Industrial.

The image before you here shows the parcel configuration. The larger parcel, to the east here, is already developed with a speculative warehouse building that is.., already has an approved Site Plan by this Board.

The proposal before you today is to add the additional two parcels to the east of it to create additional space for parking and landscaping for the operation that will take place inside of it.

Councilperson McCoy: Wouldn't that be west? You said to the east. It should be the west of it.

Development Services Director Sirmons: I beg your pardon. The two properties to the west of the currently developed site.

This is a picture of the developed property, with the speculative warehouse situated in the center.

For Staff's analysis, we have evaluated the proposed use. It is a warehouse distribution center, and it is moving into a warehouse that was previously approved under Section 31-381 of our regulations. We have evaluated the zoning of the property and it does.., it is in conformance with the zoning regulations of the City. It is conformance with the Comprehensive Plan of the City, as it relates to parking and traffic. The site exits via one right in, right out exits drive on President Barack Obama Highway.

Along 13th Street, there are four driveways currently. One of those four driveways will be closed as a part of this redevelopment. The project was reviewed by Palm Beach County, and a copy of the TPS, or Traffic Review Letter, approval is included in the backup packet for this Item.

The applicant will be providing an easement to Palm Tran for a bus shelter as a part of this redevelopment, and they will be erecting the bus shelter themselves.

Staff recommends approval of the Resolution before you today. We recommend approval with the following conditions: One, including our standard conditions that a landscaping performance bond of a hundred and ten percent of the value of the

landscaping and irrigation be required before a CO is issued for the site. Improvements on the site must be initiated within eighteen months or this Resolution will be deemed null and void. City Council authorizes Staff to make any future improvements to this Site Plan administratively, so long as those amendments do not deviate greater than five percent from what's before you today.

The development must receive final Certificate of Occupancy from City Council for all of the buildings and units approved in this Resolution within five years of the approval of this Resolution or it shall be deemed null and void. All future advertising must state that the development is located within the City of Riviera Beach, in accordance with City Code Section 31-554.

Number six, once approved, this Resolution shall supersede any previous Site Plan approvals for this property. Number seven, there shall be no parking permitted in the right-of-way. Number eight, the subject., the property is subject to submittal of the Notice of Intent to use generic permit for small construction activities, and all related regulation. Number nine, if during peak periods additional drivers in private vehicles are utilized to supplement the fleet, those vehicles are required to be marked with a placard, or magnet, which clearly shows that it is functioning as a commercial vehicle.

Number ten, the applicant shall add drive aisle dimensions and typical parking space dimension to the Site Plan before the site is stamped. Eleven, within six months of the approval of this Site Plan application, the petitioner and/or property owner, or their designee, shall convey to Palm Tran an easement for a bus stop, boarding and a lighting area, subject to the approval of the City of Riviera Beach. The location, sketched legal description, bus shelter design and dedication documents of this easement shall be approved by the City, Public Works Directors, and Development Services, prior to the recordation of the documents.

Twelve, within eight months of the approval of the Resolution, the petitioner and/or property owner or their designee, shall construct a Palm Tran approved mass transit bus shelter with the appropriate access, lighting, two trash receptacles and bicycle storage. The approved color of the bus shelter shall be consistent with color chart No. RAL5005. The location of the shelter shall be within an approved bus stop boarding and a lighting area easement. Any and all costs associated with the construction and perpetual maintenance, shall be funded by the petitioner and/or future property owner.

Upon approval of all conditions... Excuse me. Upon approval, all conditions of approval shall be listed on the cover sheet of the Site Plans before they are stamped. And fourteen, the applicant shall actively advertise employment opportunities for temporary and permanent positions within the City of Riviera Beach, including participation at community job fairs, or hosting specialized recruitment events. The applicant shall advertise job opportunities in a newspaper having local circulation, as well as on the City's website. The developer shall provide a report to the Development Services Department at six months post Certificate of Occupancy, documenting the outreach efforts to acquire local employees, the number of local employees hired, the number of local businesses contracted with subject to employment and privacy laws, and the percentage of construction costs expended with local vendors.

And that concludes the Staff report, Madam Chair., The applicant is present and available for their presentation.

Chairperson Lanier: Very good.

Do we have any public comment?

City Clerk Anthony: No, Madam Chair.

Chairperson Lanier: Alright. Ver good.

Come up. Are there any questions from the Board in regards to this presentation?

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson Lawson: Thank you.

Mr. Sirmons, the penalties for not stating or not stating developmental marketing in the City of Riviera Beach or located in the City of Riviera Beach, number five, what are the penalties for that if, if the applicant decides not to use the City for promotional marketing advertisement purposes?

Development Services Director Sirmons: If they are found in violation of that section of the Code, the Code authorizes a fine of up to \$500 per day while they are noncompliant.

Councilperson Lawson: And what does encompass? Is that utilizing for advertisement in regards to their address, location of distribution center, marketing of name? How does that work?

Development Services Director Sirmons: The Ordinance is very specific to using the City's name or reducing, minimizing the visual nature of the City's name in advertisement. So, using a specific location and leaving off Riviera Beach, or putting Riviera Beach in a much smaller font than a, a specific location is the term that's used by the Ordinance, so it is detailed in how advertisements may be used and what is not permissible in terms of the City's name being included, not included, or being minimized. And it authorizes those fines if they are found in violation.

Councilperson Lawson: Okay.

And then, who enforces these provisions?

Development Services Director Sirmons: I would need to double check enforcement. More than likely, we would go through the Code Compliance Division of the Department for enforcement.

Councilperson Lawson: And that's a \$500 a day fine, you said, right?

Development Services Director Sirmons: I beg...

Councilperson Lawson: [Inaudible],...

Development Services Director Sirmons: ...your pardon?

Councilperson Lawson: ...a \$500 per day fine?

Development Services Director Sirmons: \$500 per day. To my knowledge, we have not utilized this section of the Code for enforcement activities. And, there, of course, there would be some consultation with Legal to ensure we're doing everything appropriately to the Code, if and when it is..., becomes necessary to enforce it.

Councilperson Lawson: Okay.

And then, follow up in regards to traffic study. I see that a memo was just written in regards to the traffic study, because there's dictated as less than five hundred trips per day?

Development Services Director Sirmons: I'm sorry. Could you re'..., repeat the question, please?

Councilperson Lawson: There was no traffic study that was gonna be completed because, I believe that that applicant submitted an affidavit saying that we would have less than five hundred trips per day?

Development Services Director Sirmons: I am not positive.. The applicant can answer as to whether they had to prepare a full traffic study in order to receive their Approval Letter from Palm Beach County.

I, I don't have one as a part of our files. So, I don't believe they did.

Councilperson Lawson: Okay.

Councilperson McCoy: So, Madam Chair, I have questions of Mr. Sirmons.

Chairperson Lanier: Yes. Go ahead.

Councilperson McCoy: Mr. Sirmons, the provision that Councilman Lawson just brought up regarding the advertisement, that is per our Code, correct?

Development Services Director Sirmons: Correct.

Councilperson McCoy: Okay.

Well, you know, I think we discussed that yesterday but what authority does the City have to impose any kind of additional recommendations like the one that I seen in number nine regarding them to now modify additional vehicles, or something of that sort? That, that's very new and I've never heard that. And, I don't know how we have the authority to require that if that's not something that's based in the Code.

Development Services Director Sirmons: Well, these conditions are agreed to with the applicant when we discuss potential issues related to traffic. We make these

suggestions as, as actions that can be taken to ensure we can oversight over the operation and ensuring that no unforeseen nuisances are created in peak seasons, such as during the holidays when there are, are vehicles that may be associated with this operation, that we need to hold accountable but are not marked. That is what this condition is aiming at. And the applicant is not objecting to it.

Councilperson McCoy: Okay.

So, again, I ask this asked this question yesterday regarding the Business Tax Receipt that will be ultimately issued, does that also gonna apply, that that additional fee that we're asking for mom and pop's to pay for, using a vehicle part of their business, gonna be applied to not only to the delivery fleet, but then to also those personal vehicles that's gonna be used, I guess, in some.., incidentally?

Development Services Director Sirmons: I do.., I am not aware of the specifics of that portion of the Code that governs the BTR. It is currently under the Finance Department. And perhaps Mr. Sherman is more familiar with how vehicles are accounted for. But, I'm not able to answer that...

Councilperson McCoy: Not...

Development Services Director Sirmons: ...at the moment.

Councilperson McCoy: Not, not necessary. I, I don't really, really would like for him to speak on it. I just thought maybe you knew that.

But, to Mr. Lawson's point about the traffic study, how is it that you can have a, I guess a conglomerate type warehouse district, or warehouse property... Now, you're not gonna be able to say you're gonna have five hundred trips between, I guess, receiving and distribution, and employees, and running a fleet operation? That seems very unusual, given that we know what the primary use is, or the end user is gonna be that you're not gonna achieve five hundred trips. That seems very unusual.

Development Services Director Sirmons: Staff was indeed concerned about the traffic implications of this operation and we were sure to make.., make sure we received the no objection letter from the county before we placed this on an Agenda.

When we initially received the, the TPS letter, we did reach out to the county directly to make sure they were sure they knew what they were evaluating and they responded that they were aware of the facility, they had evaluated it's uses and determined that it would not add to peak hour trips, which is their main area of concern. And that they did not require additional items to be submitted to them from the applicant.

Councilperson McCoy: And, again, if.., even if that is the case, we have no way of measuring that because I just find it hard to believe that, as extravagant as this facility has been talked about, that you're not gonna generate five hundred trips to and from doing that.

Is there any claw back provision or provision that we can go back and address this if we determine otherwise? That there is, you know, those trips?

And obviously, this place is being..., well, this place was built and the, the occupant is going to be in that place because of the demand in this area. And I just find it hard to believe that you're, you're not gonna be reaching that five hundred trips.

I guess..., so there's no claw back? Is there a way that we can readdress this again later? If we determine that?

Development Services Director Sirmons: At the moment, I'm not aware of a way to go back and require traffic improvements from this applicant, after they are operational. The majority of issues with traffic in the roadways are handled by the Police Department, so they may be aware of some tools they have, but generally, at the time of the traffic approval of the property, if additional signalization, lane expansions or turn lanes, and things like that, are necessitated by volume of trips generated by a site, generally those are handled at this time. And the county deemed that this site did not require those additional modifications of the area.

Councilperson McCoy: Okay.

Lastly, do we not need a replat for this?

Development Services Director Sirmons: A replat? No, we do not.

Councilperson McCoy: Why not? Because it's..., we're consolidating different parcels.

Development Services Director Sirmons: This operation is..., the parcels for this Site Plan are unified under a Unity of Control document.

Councilperson McCoy: Right. But I thought the practice was, we would literally do a replat first, and then direct an applicant to seek Unity of Title from, I think it's the Palm Beach County property appraiser's office. Isn't that that process? 'Cause I...

Development Services Director Sirmons: No.

Councilperson McCoy: ...I know we've specifically done replats here, and then you do the replat and then you go seek Unity of Title. Is that not the way it works, either Mr. Sirmons or, or Ms. Busby?

Senior Assistant City Attorney Busby: Good evening.

Not always, Mr., Councilperson McCoy. And, in fact, I worked pretty significantly with the property owners and lessors on the Unity of Control.

Councilperson McCoy: Okay. And, that's already been done though?

Senior Assistant City Attorney Busby: Yes, sir. They...

Councilperson McCoy: Okay.

Senior Assistant City Attorney Busby: ...have executed, and they also recorded it, which was required by our office prior to this Site Plan being submitted to you. And...

Councilperson McCoy: Okay.

Senior Assistant City Attorney Busby: ...the rest of the Board.

Councilperson McCoy: Thank you.

Senior Assistant City Attorney Busby: You're welcome.

Councilperson McCoy: Thank you, Madam Chair.

Chairperson Lanier: Very good.

Any other questions in regards to this Item? [Pause].

I'd like to ask a question. In reviewing the Planning & Zoning meeting in regards to this Item, there was some concern about one of the [inaudible] that talked about employees but not about drivers, in terms of your organization. I need to have some level of comfort, in terms of the City being able to [stammer] competitively have some input into the issue of drivers.

Could you address that?

Mr. J. Haggerty: Yes, Madam Chair.

And I also have a brief presentation if you'd like me to run [inaudible]...

Chairperson Lanier: Alright. Very good.

Go ahead and do that and we, we can come back to that.

Mr. J. Haggerty: Absolutely.

Chairperson Lanier: Because you may address it in your presentation.

Mr. J. Haggerty: Absolutely.

Good evening, Madam Chair and Members of the Council. My name is Jordan Haggerty. I'm with Kimley-Horn, and I'm a professional Civil Engineer, here tonight rep'..., representing the applicant.

As Staff has mentioned, this is a major Site Plan application for a retrofit of an existing building. And it has received unanimous Planning & Zoning approval on September 9th. Staff has already [stammer] highlighted the located, it's off of 13th Street and President Barack Obama Highway.

As mentioned, there were three prior parcels that encompassed the overall site plan area, which totals 11.7 acres. Regarding the limited amount of large delivery trucks to the facility, it's utilizing Interstate 95 and Blue Heron Boulevard, down to President Barack Obama Highway. It was noted that, you know, large vehicles need to not traverse

through any local residential neighborhoods. And that's been contemplated and accomplished.

Going through a brief history of, of this site. As mentioned, there is a current and existing warehouse on the corner, located within Lot 1. And, to some of the traffic components, there are already vested trips associated with that existing building and facility. We're proposing to modify and slightly alter the use. Which goes into some of the traffic memos that, that were prepared.

The area No. 3, was the existing building that has a demolition permit to be removed, and that's the main are of focus, where we're asking for a., approval to have additional parking for fleet vehicles for deliveries.

Chairperson Lanier: So, go back to that.

Mr. J. Haggerty: Yes.

Chairperson Lanier: First step. Exiting buildings to be demolished. Is that where the parking will be? Is that what you're saying?

Mr. J. Haggerty: Yes, Madam...

Chairperson Lanier: Okay.

Mr. J. Haggerty: ...Chair.

Chairperson Lanier: Alright.

Mr. J. Haggerty: Yes.

Chairperson Lanier: Go ahead.

Chair Pro Tem Miller-Anderson: No. He said, he said number one?

Chairperson Lanier: No. Not the first one. The second...

Chair Pro Tem Miller-Anderson: [Inaudible].

Chairperson Lanier: ...would be the., would be the, the, the property... That's the property that has the existing business on it. Not the warehouse.

Mr. J. Haggerty: Parcel number three, I believe was the existing Baron Signs facility.

Chairperson Lanier: Right.

Mr. J. Haggerty: And that will be demolished. Yes. Yeah.

This was the very first approved Site Plan, and this is what is out there today. So there's currently 120,000 square feet of speculative warehouse building, with associated parking. We're proposing and asking for a modification to expand operations to the west.

This is the current facility, current building that's out there. And this is the proposed Site Plan. And, as you can see, the shaded area is where Lot No. 3 was. There used to be an existing building that will be removed and incorporated into the prior approved building, and the prior approved Master Site Plans.

Some of the improvements that are incorporated are designing everything to the City of Riviera Beach standards. We do have Staff recommendation of approval and, and have satisfied comments. There's additional landscaping that's being provided and buffering to make the, the project very aesthetically pleasing.

And, regarding the operations and some of the items that were noted at the Planning & Zoning, we did want to come back and address, you know, the plan and be very transparent in terms of, of next steps to where the intent is to hire local sub'..., subcontractors. I believe, currently on site today, there's Count on Us Concrete who's being utilized, as well as day laborers from the local workforce. And, and that is planned to continue throughout the construction process.

For the end user and the tenant who plans to move into this facility, their full time positions start at \$15 an hour, plus health and 401(k) benefits. And, and Amazon, the end user, is happy to provide flyers and detailed information to the City of Riviera Beach re'..., regarding the hiring process. The information is also available at this link here, if the City would like to advertise that and post that on that on your website. We're completely..., completely fine with that.

We agree with all the Staff conditions that were presented and commit to report back to, to Staff or to this, this agency regarding outreach efforts, and happy to wor'..., work with all community partners to maintain ongoing involvement related to any, any local events, any other efforts that we'd be happy to be a partner with. And they've been even willing to provide their email address and contact information specific to this area.

And, and with that, we do request approval of this Site Plan modification. And would be happy to answer any other further questions.

Chairperson Lanier: Very good.

And so, when you say employees, are you talking about drivers as well? That's, that's my question I'm, I'm sticking with here. Because I'm still trying to make sure that when we talk... The, the..., the, the conversation and discussion that was had in the Planning & Zoning meeting was specific to drivers and your response of not having any control over that. I wanted to see what was happening with that because we certainly would want our residents to be involved with the driver piece of it, as well as the warehouse piece.

So, I need to know where we are with that.

Mr. J. Haggerty: Absolutely.

So, there's the warehouse staff and employees that operate regarding the loading and, and staging internal to the facility. The driver force is [stammer] I believe open to all

applicants in terms of the positions regarding the actual delivery and the fleet components. The fleet vehicles are provided and we would be looking actively for local drivers to, to join the fleet.

Chairperson Lanier: Well.., and the reason I ask is because, you have to understand, the City of Riviera Beach have had businesses to come to the City, make promises about residents, you know, being able to access jobs, being able to at least have a shot at some of these jobs, in terms of coming to our City and a lot of times that hasn't happened. You know, people make promises, they bring business to the City and we never hear from them again. We just ride down the street and see the business.

So, we want to make sure that with this big endeavor, that we are a part of this process, the residents are a part of this process in terms of having access to those warehouse jobs, having access to those driver jobs.

Mr. J. Haggerty: Absolutely.

And I think the Staff conditions that were presented, I believe it was Item 14, we're, we're completely acceptance of providing the report, providing a summary, providing a breakdown, to the greatest extent t possible, of where the, where the end numbers shake out.

And I don't work directly for the end user so I'm not sure.., I can't commit to or promise a specific number, but this will create dozens of jobs in the local markets. And, with the contact information and the links, we'd be happy to pass along any other, any other comments or things that we could help to facilitate making those type of connections.

Councilperson McCoy: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson McCoy: Is Dr.., is Councilwoman Botel on?

Councilperson Botel: Yes, I am.

Councilperson McCoy: And, and, you know, I guess, you know, to credit of Dr. Botel, this is, I think, what the Economic Development Director, however you wanna title that position, this is what that person should be doing. And I, I think it's a great idea, what you're saying, Chairwoman. Because, as many people as told us this, Mr. Hadley, it would be that we have.., we should have zero percent unemployment in the City because that has always been the case, that say.., folks will say, 'Yeah, we'll give you a job,' or, 'we'll,' you know, 'hire locally.' But, I mean, that's not true.

And obviously, you know, we can't handcuff you. Obviously, you're gonna want a workforce that's qualified and that can meet that requirement. But, certainly, I would ask Mr. Hadley, whoever your contact person is at Amazon, I, you know, I don't want to send them to a link. I want a partnership. And I think that's what I've heard from Councilwoman

Botel, you know, in probably the last couple years in, in doing her, help me out, Workforce Task Force or? To that...

Councilperson Botel: [Inaudible]...

Councilperson McCoy: ...nature. But, I mean, anybody can go to that website. But how do we have some assurances that if you're coming in asking us to do a reconsideration of a Site Plan that encompasses, you know, more space, you've purchased a building, that an existing business... That.., I mean that did.., is a gesture of good faith to the.., and a commitment to this community.

But, you know, I'm, I'm personally asking, as well as the other Members that have brought this up before, I mean, I, I want more than a website link. You know, I wanna be able to sit down to figure out how, you know we can have our folks, you know, have that conversation with the, with those appropriate personnel at Amazon to make sure that we can make it work and not just send someone a link. That we can have, you know, not necessarily a referral service, but we can say, 'Hey, this is what the current workforce is in Riviera Beach.'

And, and I mean, truly, it's important, Mr. Hadley. Obviously, if you work for Kimley-Horn and you understand where we are, this is a intermodal location, access to rail, access to the Port, 95 and the turnpike. You know, we don't want people using the turnpike and 95 to come from all other cities to come in here and have a job. But certainly, we wanna make sure that, you know, if you're gonna start, start within our community.

And I know we can't force you, but we need more than just an assurances of a website link. So, can you provide that to Mr. Sirmons, whoever your contact is and then we have to go up the chain or however. But I wanna make sure that, you know, things that I've heard talked about that we can really, as Members of this body, say, hey, you know, we don't really need the credit but we need to make sure that people can actually reap the benefits.

And that's my ask. And, that's what I wanted to make sure that I, I said on the record.

Mr. J. Haggerty: Absolutely.

And know it's definitely well taken. And, we have included direct contact information with Sam Blatt directly at Amazon and he's their economic development contact. So, I would encourage, if there's a similar position that the City has, you know, we were happy to make the email introduction, or a, a meeting introduction as well. But, the information is there and would encourage, you know, the City to, to reach out and, and begin those lines of communication of exactly the expectations.

And again, we have all intent to, to the greatest extent possible, do what we can to locally provide jobs.

Councilperson McCoy: Thank...

Chairperson Lanier: Yeah. Because...

Councilperson McCoy: Thank you.

Chairperson Lanier: ...what we... I'm sorry. Go ahead.

Councilperson McCoy: Thank you.

Chairperson Lanier: No. I., what we're looking for is a, a first source effort for our residents to be able to apply first. We're looking to make sure that the people who live in this City have first shot at these jobs. And I know that there's a website that's offered, there is [audio skipped]... I'm talking about a hiring event in our Library, I'm talking about, you know partnering with our local CareerSource. I'm talking about making sure that the residents of this City have first shot at these jobs.

But when you offer a website, anybody can go to that website. And I understand that the people in this City who apply for these jobs have to be qualified, they have to, you know, they have to meet the requirements. We're not asking for anything that is not required. We're asking to have first shot at these jobs.

And that is our ask for this Item from me. I've gotta have guarantee that we are going to have first shot at these jobs. Because, what is the purpose of us doing all of this work, bringing all of this business to the City and the residents don't have a shot at getting it? I mean, we have facilities, you know, across this City that eighty percent of the people who work there don't live here. And we're not., we don't wanna make that mistake again.

Going forward with something this huge, and not having access first, to be able say, you know, you had a hundred applicants, we only accepted forty. We can understand that. But we are., we want to be able to have our first share at these jobs.

And that is my ask for us to be able., for me to able to vote yes on this.

Are there any other questions in regards to this Item?

Councilperson McCoy: Madam, Madam Chair?

Mr. Evans, do we have someone in our Staff in complement that can kinda, you know, reach out to Mr. Sam Blatt and just, you know, start the conversation as to fulfilling some of these, you know, these interests that the Members have stated tonight?

City Manager Evans: Madam Chair, if I may?

Chairperson Lanier: Yes. Go ahead, sir.

City Manager Evans: Certainly, we can work in collaboration with the CRA and the City to, to facilitate some type of process that provides for our residents to be able to get an opportunity to work for the perspective employer.

So, depending on how quickly they need to move, we can spin up and be prepared to facilitate that. So, we'll, we'll make ourselves available. I'll even make myself available to help with the project, because it is something that has important to this Board, and to

this community, to find gainful employment opportunities for our residents that pay a livable wage. And that's been one of the first legislative actions the Board took was, to increase the minimum compensation for all employees of the agency.

So, when you have an employer that's coming in, that can provide that, we do want to provide that opportunity for persons that reside in the community, and some of our employees have already said that, you know, they're looking for part time jobs as well.

So, I, I think we can work collaboratively to, to address the concerns of the Board.

Chairperson Lanier: Yes. Mr. Evans, I think that this is, this is a City issue, and I think that the City needs to have a liaison that works directly with this process. Because, this, this is going to take, you know, not just a link, this is gonna take the City being able to set up job fairs, this is going to take us monitoring to ensure that applications have 33404 on them. I want to be very clear that the residents of this City have first shot at these jobs. And I need to make that happen.

And, if we can't make that happen, if this is just a free for all, and somebody might get in contact with somebody else, and somebody might call, I need a liaison from the City to work closely with Amazon, to be able to have the residents of this City have first shot at these jobs.

That's what we have to have to ensure that this going to happen. Because I don't know how many times the City Council, and prior to me, and prior to us sitting here, have heard this story about what we can do and what we will do but we never ever see it. And this is as huge opportunity for the City residents to be able to be involved with this. Huge.

And we cannot squander this opportunity with, 'I'll call somebody and I'll reach out.' I need, I need definition, I need to be able to know that there is a liaison that's gonna work directly with the gentleman who is responsible for the hiring practices, and to make sure that those applications of 33404, I need to have that to be able to say yes to this deal.

City Manager Evans: Madam Chair and Members...

Chairperson Lanier: Yes.

City Manager Evans: ...of the Board?

Chairperson Lanier: Go ahead.

City Manager Evans: We have a new HR Director that starts on Monday. So, no time better than the present. And I think this is such a, a great project for the community. And Dr. Orisio has the, the capacity to be able to, to assist and be the liaison. And since it's such an important project, I think it's befitting that it, it sits with the Human Resources Director. Because we can all...

Chairperson Lanier: Could I suggest that you take the lead with this, Mr. Evans?

City Manager Evans: If it's the pleasure of the Board, I have no problem doing that.

Development Services Director Sirmons: Madam...

Chairperson Lanier: I mean...

Development Services Director Sirmons: ...Chair?

Chairperson Lanier: Yes.

Development Services Director Sirmons: If it's the pleasure of the Board, the majority of the jobs associated with this operation are the drivers. And the drivers will not be Amazon employees. So, if the applicant is amenable to it, the language could be amended to include their contracted drivers, as well to ensure those which are the bulk of the jobs associated with this operation, also fall under it. Of course, they would have to ensure their contractor is onboard with that as well. But, that is where the bulk of the jobs are with this operation. They're not Amazon direct employees.

Councilperson Botel: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson Botel: You know, I've been working with Cheney Brothers and the School District to start a CDL pro'.., a commercial driver's license program for Riviera Beach. And I would like to see if Amazon could do for us what Cheney has agreed to do.

One of the most difficult things to acquire when you're trying to get a CDL, is a thousand hours behind the wheel. Cheney is going to allow us to have our Riviera Beach student, in the CDL program, drive with a Cheney driver so that they can get those thousand hours more quickly.

I think it would be wonderful if Amazon would agree to this.., if Ama'.., if Amazon's company that they work with to, to handle the drivers would agree to do the same thing.

So, while we approach Amazon for the jobs that are in the warehouse, I think we also wanna approach the, the entity that does the driving component, so that they can maybe work with us to help our residents get those miles behind the wheel.

Chairperson Lanier: And, and I think that that could., that could happen but I don't think that you guys require CDL's, do you?

Mr. J. Haggerty: That.., I do not know. That, I don't...

Chairperson Lanier: [Chuckle].

Mr. J. Haggerty: ...know. Yeah.

Chairperson Lanier: Alright.

Councilperson Botel: It would be [inaudible]...

Chairperson Lanier: So that means that we need to talk to somebody who does, because we need to make sure... Because, if the bulk of these jobs are driving jobs, that

we, as residents of this City have first shot at these jobs. That is only fair, that we have that on the table, given the fact that we're welcoming a business to our City. And, yes we are happy that they're here. But, we have to have something in return because what has happened in the past, and I [stammer], as I said before, it, it did not happen. And, I want to make sure that having this opportunity to come to the City, that our residents have first share at these bus'.., at these job opportunities.

But how can we move forward, Mr., Mr. Sirmons?

Mr. J. Haggerty: And, Madam Chair, if I may?

Chairperson Lanier: Go ahead.

Mr. J. Haggerty: Just regarding, [stammer], I think everything that we've talked about, we're, we're completely onboard with continuing the discussions. We'd just like to point out and note that the current building and facility is not providing any jobs or really any employment opportunities to the City.

And, the first step's really is having the Site Plan approved to solidify the end user and the end tenant for their operations of what they need to do to, you know, have the, the means and the, the infrastructure for creating these jobs and, and becoming a successful business, here within the City.

Chairperson Lanier: Tell, tell me, tell me the number. How many job or..., jobs, how many warehouse jobs?

[Pause]

Development Services Director Sirmons: Madam Chair?

Chairperson Lanier: Yes...

Development Services Director Sirmons: In the...

Chairperson Lanier: ...sir.

Development Services Director Sirmons: In the applicant's statement to Staff in their response letter, they stated approximately fifty warehouse jobs, full time. Approximately thirty party time. And, approximately eighty-five drivers.

Chairperson Lanier: That is a significant amount.

City Manager Evans: Madam Chair?

Chairperson Lanier: So, we're gonna have to make sure that, and as I said before, don't get me.., don't misunderstand me. I understand that the people who live in this City have to qualify for these jobs. They have to be able to apply for them, they have to be able to quality, they have to meet the requirements. I understand all of that.

But to.., just as sure as you put a link on our website that says Amazon jobs, you're gonna five hundred applications in one.., in, in an hour. For sure. So, we want to ensure

that the residents of this City get first crack at these jobs. So how can we do that, Mr. Sirmons?

City Manager Evans: Madam Chair, if, if I may ask a question of Director Sirmons?

Chairperson Lanier: Yes. Go ahead.

City Manager Evans: Director Sirmons, is there any action that is contemplated after this particular action that the Board would have to see any other Items related to the perspective entity that's coming to operate the facility?

Development Services Director Sirmons: If the Site Plan is approved today, the next time an official document is submitted to the City would be the application for the remaining permits to build out the site. Which, unfortunately, would not require any action from the Council.

So, I believe this would be the last public hearing related to the operation.

City Manager Evans: Okay.

Development Services Director Sirmons: I., my recommendation would be for condition number fourteen, it only applies to the applicant, but would be to add that the applicant, and it's contractors. I am not aware if the representative from Kim'..., Kimley-Horn can make that decision for the company alone, however.

Chair Pro Tem Miller-Anderson: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Chair Pro Tem Miller-Anderson: I, I agree with Mr. Sirmons. I., you know, for many years we always, and this predates a lot of you, but we've always talked about trying to make sure that the residents get an opportunity for these jobs but until the Council puts something in writing to have this made available to the businesses that are coming, the'..., I mean, we can only ask them. And they can only say yes. But when they don't follow through, there is no recourse, there's no consequence for not following through on what they say unless we take some action in terms of putting some sort of plan together to ensure that his happens.

And, I, I totally support everything that all of you are saying, but first of all, he's not the one that can make this decision and all., we can say as much as we want, this is what we want. He can't answer for Amazon. So right now, we're., we, we need to make a decision. Are we going to move forward with this or not. But we're not gonna get our answer from him tonight. He's not gonna give that to us.

So, can we call the question or get clarification so that we can move on? 'Cause we do still have a couple more [inaudible]...

Chairperson Lanier: Very good.

So, how do you see us proceeding, Mr. Sirmons?

Development Services Director Sirmons: My recommendation, we will double check our advertisement requirements but if there's not a representative from Amazon here that can answer the questions of the Board, I recommend we move it to a meeting and coordinate for a representative to be here to address concerns.

I will have to confer with the, the.., Mr. Manager and look at our advertis'.., advertisement, lead times and.., far.., as far as Agendas, to know exactly how soon we could bring it back in. Also coordinate it with them to make sure their representative can be here.

Chair Pro Tem Miller-Anderson: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Chair Pro Tem Miller-Anderson: But even if we do push this to another meeting, what, legally, are we gonna have in place...

City Manager Evans: Right.

Chair Pro Tem Miller-Anderson: ...that's going to make them stay committed to what they say?

City Manager Evans: Madam...

Chair Pro Tem Miller-Anderson: Ms. Wynn or Mr. Evans, can you answer...

City Manager Evans: Yeah.

Chair Pro Tem Miller-Anderson: ...that?

City Manager Evans: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

City Manager Evans: With regards to the inquiries and, and the questions that the Board is asking related to the topic, I, I think there is some good faith gestures that the company can certainly do to help facilitate that. But I don't know what legal mechanism...

Chair Pro Tem Miller-Anderson: No.

City Manager Evans: ...that we can have to force them...

Chair Pro Tem Miller-Anderson: No.

City Manager Evans: ...to, to do our.., what we would like to see them do.

One oof the things that I can certainly.., if the Board is willing to amend the language that's being considered by...

Councilperson McCoy: Well...

City Manager Evans: ...or that's being proffered by Director Sirmons. One of the things you can also ask is for the representative to give you a talent acquisition plan, as to how they look to fill these vacancies. And that will provide us a little bit of guidance with regards to that. So, you know, there, there are ways to do that, but there's no real legal mechanism that you have to drive compliance with regards to this particular situation.

So, it, it makes it complicated and challenging. And I think the next meeting, if you do have a representative, they'll probably be able to provide more clarity. But again, they're gonna give you their best, you know, perspective on how they can help facilitate that. But, there's not a mechanism that can force compliance.

Chair Pro Tem Miller-Anderson: Madam...

Councilperson McCoy: Madam, Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson McCoy: So, let.., if I could just take a moment to step away from specifically that, I wanted to ask a question of Mr. Hadley, and also whoever can answer this, Mr. Sirmons or Ms. Busby.

So, I'm looking at the agent authorization. That only applies for the property located at 1301 President Barack Obama Highway. You're presenting a Site Plan to us today that encompasses all three lots, and there's not an agent authorization for 900 West 13th Street, which will be the Baron Signs. Who owns that property? Currently? [Pause]. So that.., I guess, Mr. Hadley, number three, I guess the third parcel, or the third lot that you had on your [pause]... Or maybe it was on Mr... Yeah. So, the.., number three. Obviously, Baron Signs isn't there anymore.

Is the owner for that property, Riviera Beach JOF ESA I LLC?

City Manager Evans: I...

Councilperson McCoy: Because, what, Mr. Hadley, what I'm looking at is the agent authorization form. And I think.., I'm gonna ask, because I don't see the agent authorization form for the location that has the address of 900 West 13th Street, which would be number three up here. That, technically, doesn't permit you guys to move forward without us, as a Board, or even the Department, knowing that you have authorization to submit an application to the City on behalf of the owner of that property.

So while you're doing that, it's gonna be my position that we take this back and you guys get the agent authorization, and that gives us some time to make contact with Sam Blatt, or whoever. And then that may facilitate some of the other concerns.

Mr. J. Haggerty: If I may?

Regarding the Unity of Title aspect. Once those parcels are all combined, it is under one ownership, and there's really no lot three, essentially, or parcel three...

Councilperson McCoy: But have...

Mr. J. Haggerty: ...anymore.

Councilperson McCoy: ...they been combined?

Mr. J. Haggerty: I, I believe...

[Pause]

Senior Assistant City Attorney Busby: So, the applicant has that authorization through the Unity of Control.

Councilperson McCoy: And do we have that?

Senior Assistant City Attorney Busby: Yes. It's been recorded. And I believe it's also provided as backup on this Item.

Councilperson McCoy: So, they maintain the 1301 President Barack Obama address for that entire...

Senior Assistant City Attorney Busby: Yes. I...

Councilperson McCoy: ...property now?

Senior Assistant City Attorney Busby: ...believe the applicant is JOF, it's a...

Councilperson McCoy: And I'm sorry. The name of that, in the backup, is?

Senior Assistant City Attorney Busby: You should see... I'm sorry. You should see it as, as one of the backup material items, if you're looking online at the Agenda Item. And...

Councilperson McCoy: Unity of Control recorded. Okay.

Senior Assistant City Attorney Busby: Yes. I believe I titled it that and uploaded it.

Councilperson McCoy: Do... So, as a follow up...

Chairperson Lanier: Go ahead.

Councilperson McCoy: [Inaudible]...

Mr. J. Haggerty: And regarding the, the condition, item number fourteen, where it currently states, 'for temporary and permanent positions within the City of Riviera Beach,' from..., adding a contract position to that language, I believe our applicant and the agency would be comfortable with that as well. So, if that helps clarify... You know, it's basically all positions, temporary, permanent and contract positions. Those will be advertised.

And...

Councilperson McCoy: Okay. Alright. Good enough.

Thank you.

I, I see it, Ms. Busby. Thank you for that.

Senior Assistant City Attorney Busby: You're welcome, [inaudible].

Chairperson Lanier: So, where are we, Mr. Evans? How are we gonna move forward with this?

City Manager Evans: Madam Chair and Members of the Board, if, if the Board still has some concerns and, and would like to ensure that there is some type of commitment, the only way to effectively get that commitment, and again, it will just be the verbal commitment and, and maybe some modifications to the language, we'd, we'd have to wait until we had a representative from the corporation that can make that commitment.

So, if the Board has some hesitations and would like some additional clarity, the only reasonable thing would be to, to postpone that. But then again, there's..., I don't what assurity [sp] can be provided as a result of postponing the Item. It does depend on...

Mr. J. Haggerty: If...

City Manager Evans: ...on that entity. If Director Sirmons wants...

Chair Pro Tem Miller-Anderson: Madam Chair?

City Manager Evans: ...to add...

Development Services Director Simons: Madam...

Chairperson Lanier: Yes.

Development Services Director Simons: ...Chair?

Chairperson Lanier: Yes. Hold on a second.

Chair Pro Tem Miller-Anderson: I do not believe there is anything that the person... We, we can't enforce it. We can postpone this. We can have the person come here and say what we wanna hear, but at the end of the day, we cannot enforce any of that.

So, not moving forward on this is not going to change anything. I don't, I don't see what is gonna happen between now and two meetings, or one meeting.

City Manager Evans: [Inaudible]...

Chair Pro Tem Miller-Anderson: Nothing..., we can't enforce this. This is..., we've gone down this road numerous times when different businesses come here, but until we take action, otherwise, they can only say it, and when they don't it, there's nothing we can

do about it. Other than try to shame them. And, I mean, that, at the end of the day, doesn't accomplish anything.

But, we need to move on. We need to either vote it up or vote it down, however we wanna...

Mr. J. Haggerty: [Inaudible]...

Chair Pro Tem Miller-Anderson: ...move but we have nine minutes before we need to extend the meeting and we still have a few more Items to do. And we've kinda been on this for a very, very long time.

Mr. J. Haggerty: If I may? I have one last comment.

Chairperson Lanier: Go ahead.

Mr. J. Haggerty: We, we do..., are very excited about this project and we would like to move forward as quickly as possible, in terms of the next phase, is the, the necessary construction timeline and schedule, and everything that needs to be met to deliver this project on time. If it's the Council Member's pleasure, if we are able move forward with this Item and approval with a condition or a recommendation to come back with either a, a, a hiring plan or prior to the building receiving a Certificate of Occupancy, that we hold a hiring workshop directly with the vill'..., with the, the City of Riviera Beach. I think those are type of [stammer] items that we can continue to work towards and provide that collaboration directly with the City, but allowing us, hopefully, to, to move forward and still move forward with this project.

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson Lawson: And, to that point, I would want our colleagues to move forward with this and possibly not holding hostage this project of coming to the City.

If Mr. Evans and Mr. Sherman can work on all options and alternatives moving forward, see what other municipalities are doing in regards to hiring practices and requirements for organizations when they come into our business. But I think, as Councilwoman Miller-Anderson stated, I think we need to move forward with this. Give this organization the opportunity to move and to bring this amazing entity into our City.

And in the interim, we can work on options so that we can actually address the concerns that have, have been brought up to the table today. 'Cause, it is something that we've talked about in, in multiple meetings but if we can get concrete definitive ideas, moving forward, but tonight I think we need to move forward with this project and not hold them hostage while we figure out what we wanna do with hiring practices.

Councilperson Botel: Madam...

Development Services Director Sirmons: Madam Chair?

Councilperson Lawson: I would be in support of this.

Chairperson Lanier: Right. I don't, I don't.., I'm not holding anybody hostage. I just want to be able for the residents of this City to be heard. Now, I want to move forward, and we can move forward conditionally, with that you're gonna come back and you're going to share that information that these concerns that we have, you're going to address those concerns at our next meeting.

Councilperson Lawson: And, to that point, Madam Chair?

The only concern is, is that we, as a City, have to just put in.., parameters in place. And we have to determine what we would like when these organizations come, not when they get here. So, being proactive and saying, 'Hey, these are our requirements,' but since we don't have anything, we can't legally hold them accountable, to put any conditions on them.

I say we move forward with no conditions and allow for Staff to work out details moving forward. 'Cause, yes, the residents are heard, but we're gonna ask and instruct Staff to work on not just in reference to this project but every project that comes to the table. So moving forward, I don't wanna just be limited to this.

Chairperson Lanier: No. I..

Development Services Director Sirmons: Madam...

Chairperson Lanier: ...and I, and I understand where you're coming from, but I certainly want.., I mean, the gentleman himself said that we can make it conditional of a hiring plan. But we need to have something in place, whether we can enforce it or not. You know, people have been giving us their word for the last twenty years. But I want to be able to have something that says that the residents of this City will have a.., have a fair share at getting these jobs first. That is all I'm asking for this evening.

So, we can move forward with that condition.

Development Services Director Sirmons: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Development Services Director Sirmons: I just wanted to bring the Council's attention back to Condition No. 14. It does specify that for temporary and permanent positions, within the City of Riviera Beach, the applicant shall advertise them, including participation at community job fairs or hosting specialized recruitment events. If we amend that language to include as contractors, it would apply to the, the.., all the jobs at the site. And the City, in conjunction with the CRA and the City Manager, we could coordinate that job fair, find the venue and everything, as long as.., and they have already in here, as well as in the response report, committed to participating in any job fairs that are available.

We can make sure that happens. And we do have, down the road, the, the.., all of these conditions must be met. And there is plenty of precedence for the Department

withholding construction permits and things like that for conditions of their Site Plan approval not being met. And if this is a condition and they're not in compliance with it, there are enforcement items down the road. And, of course, we wouldn't carelessly hold anyone's project hostage, but if they are blatantly in.., not in compliance with the condition approved by this Board, there are further actions that they need from the Development Services Department that we can utilize to refer back to conditions agreed upon tonight.

Chairperson Lanier: Alright. Very good.

So, so let's move forward with this. But I want to make sur that we are a partner now with CareerSource and to bring them in as a part of moving forward with job advertisement and job fairs.

I just to make sure that the residents of this City are., are getting a fair shot at this.

If there are not any other questions, Madam...

Chair Pro Tem Miller-Anderson: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Chair Pro Tem Miller-Anderson: Don't we need to amend it if we're going to do what Mr. Sirmons..., Sirmons just stated, to...

Chairperson Lanier: Do we...

Chair Pro Tem Miller-Anderson: ...include the...

Chairperson Lanier: Do we?

Chair Pro Tem Miller-Anderson: Hmm?

Chairperson Lanier: I'm asking him, do we?

City Manager Evans: Yes, yes, Madam Chair. You would need to amend it. But the City Clerk is going to ask for a motion to extend the meeting, 'cause you're drawing close to the 10:00 o'clock hour.

Chair Pro Tem Miller-Anderson: I make a motion that we extend, if we are going to move forward.

Chairperson Lanier: [Chuckle]. If and only if?

[Chuckles]

Chair Pro Tem Miller-Anderson: 'Cause it's...

Chairperson Lanier: Okay. Very good.

Chair Pro Tem Miller-Anderson: ...getting late.

Chairperson Lanier: Second.

Chair Pro Tem Miller-Anderson: Do we... Okay.

Chairperson Lanier: Madam Clerk.

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: Yes.

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: Yes.

City Clerk Anthony: Pro Tem Miller-Anderson?

Chair Pro Tem Miller-Anderson: Yes.

City Clerk Anthony: Chair Lanier?

Chairperson Lanier: Yes.

City Clerk Anthony: Motion approved.

Chair Pro Tem Miller-Anderson: So, I make a motion to amend... I want to amend the motion to include the..., what did you say...

Chairperson Lanier: Hiring...

Chair Pro Tem Miller-Anderson: ...Mr. Sirmons? The... Which one's the contractor...

City Manager Evans: The...

Chair Pro Tem Miller-Anderson: ...contractor...

City Manager Evans: Yes.

Chair Pro Tem Miller-Anderson: ...driver?

City Manager Evans: The, the contractors..., the contractors of the entity that will be occupying the facility. And then, Director Sirmons, did you have any additional language, as a result of that? Or is that just the only component that you [inaudible]?

Development Services Director Sirmons: Yes. The applicant has suggested a text amendment to make it a stronger condition. And I will let him explain his concept on that.

Chairperson Lanier: Go ahead.

Mr. J. Haggerty: So, we've already committed to hosting specialized recruitment events, and I think that speaks to a local first bite at the apple, so to speak. If we amend the text, instead of saying or hosting a specialized recruitment event, if we say a minimum of one specialized recruitment event, I think that's a little bit more

concrete. And that's, again, a condition that needs to be satisfied six months after we move in and we get, you know, everything ready to, to open the.., open doors.

Chair Pro Tem Miller-Anderson: Okay. So, that's just for that portion to minim'.., to put a min'.., a minimum of one. Btu we still need to add in the contracted drivers.

Mr. J. Haggerty: Right.

Development Services Director Sirmons: Correct.

Chair Pro Tem Miller-Anderson: Okay. That's my...

Development Services Director Sirmons: So...

Chair Pro Tem Miller-Anderson: ...motion.

Chairperson Lanier: That's the motion. That's the second.

Any discussion?

Chair Pro Tem Miller-Anderson: No.

[Chuckles]

Chairperson Lanier: Madam Clerk.,

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: Yes.

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: Yes.

City Clerk Anthony: Pro Tem Miller-Anderson?

Chair Pro Tem Miller-Anderson: Yes.

City Clerk Anthony: Chair Lanier?

Chairperson Lanier: Yes.

City Clerk Anthony: Motion approved.

Chairperson Lanier: Thank you for your...

Mr. J. Haggerty: Thank you all.

Chairperson Lanier: ...presentation, sir.

Mr. J. Haggerty: Thank you all.

Chairperson Lanier: Thank you, Mr. Sirmons...

Mr. J. Haggerty: We're very excited.. And thank you.

Chairperson Lanier: ...for your.., for your work and for presenting this that we can understand it, and we can finally move forward.

Mr. J. Haggerty: Thank you all for assistance.

City Manager Evans: And, and Madam Chair, I will make it my 'prime' purpose to call the representative tomorrow. You like that pun there? But...

[Chuckles]

City Manager Evans: I will...

Councilperson Botel: [Inaudible].

City Manager Evans: I will make contact with, with the gentleman on the...

Chairperson Lanier: No. I need you to call them tonight.

[Chuckles]

City Manager Evans: I was gonna actually text him if the number was up and his... But yeah. I, I will make contact with him first thing in the morning and then email the Board related to our conversation.

Chairperson Lanier: Very good. Thank you.

Madam Clerk, next Item.

26. ITEM NO. 26

City Clerk Anthony: RESOLUTION NUMBER 107-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AND RATIFYING THE COLLECTIVE BARGAINING AGREEMENT APRIL 1, 2021 TO MARCH 31, 2024 BETWEEN THE CITY OF RIVIERA BEACH AND THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU) AN ORGANIZATION REPRESENTING THE GENERAL EMPLOYEES OF THE CITY OF RIVIERA BEACH TO INCLUDE A REVISED SALARY SCHEDULE; APPROVING THE CITY MANAGER'S EXECUTION AND AUTHORIZING THE CITY CLERK TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

EUREKA YOUNG, ASSISTANT HUMAN RESOURCE DIRECTOR, 561-845-4880

City Clerk Anthony: Madam Chair, Members of the Board, we do not have public comment on this Item. The acceptance of public comment on this Item is now closed.

Chair Pro Tem Miller-Anderson: So moved.

Councilperson Lawson: Second.

Chairperson Lanier: Mr. Evans.

City Manager Evans: Madam Chair and Members of the Board, if I can have the Assistant Director for Human Resources, Ms. Eureka Young, come to make this presentation. Also, assisting in the presentation will be Mr. Jack McLean, that is attending virtually.

Assistant Human Resource Director Young: Mr. Evans...

Chairperson Lanier: Go ahead.

Assistant Human Resource Directors Young: ...Ms. Dwan Wynn, Chair Lanier, Mrs. Eureka Young, Assistant Human Resources Director. On the phone, appearing for..., with us virtually is Mr. Jack McLean. He's the..., our lead chief negotiator. And he will be here [stammer] to answer any questions, and to present this Item.

[Pause]

Chairperson Lanier: Mr. McLean?

[Pause]

Mr. J. McLean: Let me put my on. I'm sorry. How... Let me first say, good evening. And, to the Chair..., Chairperson Lanier and to all the other Councilpersons. I'm happy to present this Item. It has an Item that we have been working on from a labor standpoint, along with the, the City Manager Evans and working on trying to make sure that we got all our employees to a market level.

The City has made very good progress towards making sure that we're not on the bottom of that survey that we do countywide, the [inaudible] study, or any of the other studies, making sure that we're not on the bottom tier, that we move our employees to a comparable wage, and indeed, a competitive wage so we can get the best help.

So I'm very happy to report the success of our negotiations, which began in March and concluded in August. This is a three year agreement with SEIU and the City. The agreement will start August..., April 1 and then go to..., 2021, and then go to March 31, 2024.

This is a..., an agreement that we actually had sixty-six percent of all those in the bargaining unit, somewhere around a hundred and seventy-four vote in this election. Out of that sixty-six percent of the persons who voted in this election, 56.5 percent, almost fifty-seven percent of the membership voted for this three year agreement. This was a pretty intensive negotiations. One that went back and forth with the parties. We actually..., we had twenty-five items, probably the thirty-four Articles that are in the contract that were touched in some way during the negotiation process.

And much of that team, our team, on our side, participated in those negotiations. As, as well as the City Manager. It was a fair negotiation. It was a tough negotiation, and give and take. And actually, the City, at the end of the day, at the behest of the

membership, put in more money on the table. And this three year agreement is about \$4.4MM.

So, with that 56.5 percent members voting in favor of this agreement, I'm happy to recommend to the City and support the Manager's recommendation that we ratify this agreement. There were some items that were in the Articles.., in the contract that are administrative things. How you make things easier, well, changing the dates, you know, for perhaps the payment schedule from a biweekly to a weekly, or reversal. Or, that we make sure that we provide the union additional [inaudible] that they wanted to have annually. But, of course, all of this comes down to wages. And, in order to get the wage, and get it to market level, we have gotten to market level, parties make concessions on both sides.

And the major areas that we discussed, and they get touched in the, the eleven Articles that are really at issue, and at the heart of negotiations, in addition to the wage Article, they involve the PTO. Changing from a sick and vacation schedule to a PTO process. It involved the longevity, and longevity had been there in the market rate, I would like to make sure I point out to the Council, includes the longevity pay for every member who had longevity pay.

And then, a very innovative and creative educational Article, which really promotes our bargaining unit members, employees, and your employees getting their education. And.., whether it's a, you know, [stammer], not just standard training, but something extra to the job. And going out and getting a B.A. or a master's degree.

And the City actually puts up \$2,500 up front. It no longer just a reimbursement, you pay the first dollar and then you'd then get reimbursed. Under this plan, you put up the first \$2,500 to give them a jump start on their educational career. That's very innovative. And I can say that the Manager, City Manager, has been very committed to this approach, and it is now reflected throughout all of the labor agreements. At least the two that I have last worked on.

I've had the fortune to work with the City over a number of years, and have touched every labor agreement. And one of the things that the Manager wanted to see was market rates. We wanted to make sure that the administration of the contract was easier, that all of the contract came together and coalesced around those things that, that we have to do on a daily basis, whether it's in HR in terms of how we administer discipline, how we deal with grievances, or whether it's gonna be in terms of how we actually paid for the benefits and things that are in the contract. That they're the same. That they work for all of us. And that they're fair to the employees.

So, I would like to just, I guess stop at that point and ask.., answer any questions. But it is a good agreement, it is a progressive agreement, and one that gives our employees, your employees an opportunity to earn a decent wage, an opportunity to make sure that they can take care of their family, an opportunity that they can buy a home with these wages that we're talking about, and an opportunity to grow in their own professional and educational development.

So, I'll be happy to answer any questions.

Chairperson Lanier: Mr. McCoy.

Councilperson McCoy: Thank you, Madam Chair.

Mr. McLean, I wanna correct you. I read the agreement, it does not speak to master's degrees, it only spoke to associate's and bachelor's. Is that your understanding? That it should've master's?

Mr. J. McLean: Well, you know, the language is what we agreed to. So, if the language is in the contract that it only goes up to a master's degr'..., [stammer] to a B.S. degree, then, then, then that's the language that we actually agreed to. So, I can't go out the four corner..., outside the four corners of the contract.

Councilperson McCoy: Okay.

Mr. J. McLean: As to this particular bargaining unit.

Councilperson McCoy: Well, you did, Mr. McLean. That's...

Mr. J. McLean: But...

Councilperson McCoy: ...why I'm saying, you...

Mr. J. McLean: Oh, [inaudible]...

Councilperson McCoy: ...did go outs'...

Mr. J. McLean: And I stand corrected...

Councilperson McCoy: Okay. 'Cause I...

Mr. J. McLean: ...Councilman McCoy.

Councilperson McCoy: ...specifically read that part today and...

Mr. J. McLean: Yeah.

Councilperson McCoy: ...quite frankly, I'm gonna be a City employee if you're just sending everybody to school for master's degrees.

Mr. J. McLean: [Chuckles].

Councilperson McCoy: I think I'll pick up a few more.

Mr. J. McLean: Yes, sir. Yes, sir.

Councilperson McCoy: But...

Mr. J. McLean: Thank you.

Councilperson McCoy: The, the other point that I, I guess, you know, I, I..., if this is an agreement that's been reached between the parties, I'm gonna say that I really am voting again under protest. You know...

Mr. J. McLean: Yes, sir.

Councilperson McCoy: ...I had members of the union, I guess, I guess, employee/members of the union ask me was this City Council's position, some of the items that were being negotiated? And I said, 'Well, truthfully, it's not because we haven't had any kind of discussions, ahead of you guys going into negotiations regarding this agreement. So obviously, it's been reached, then that's fine. But I just really, again, dislike having that.'

Back in 2019, we literally had a closed session before we had the discussions on the PBA contract. And, quite frankly, if you guys do that then, you know, I guess I really have no opposition but I just disagree, again, with the process. Don't go and negotiate on my behalf and then come back and tell the Board, 'This is what you got.'

Because, when I have even members from SEIU, meaning the, I guess, even the..., not necessarily the employees but, I guess staff at SEIU, they have _this expectation that this is something that consensively [sp], or even by vote, that the Council had said let's address these issues. That's not true and I think that's, again, another situation of being disingenuous.

I wanna be open and fair. I don't wanna be a part of a conspiracy. And if we make a mistake, we can fix it. I'm not even attempting to sit here and act like that we knew some of these components. If we did, it must be stated individually.

But, I mean, if this, this..., if it's already established and agreed upon, I think there's nothing else for us to do other than ratify it. But, again, I don't expect that we operate in silo where the Board Members don't even have the slightest clue of what the items that are gonna be addressed.

That's it.

Mr. J. McLean: Yes, sir. Yes, sir.

Chairperson Lanier: Very good.

Any other questions in regards to this Item?

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson Lawson: Thank you.

And Mr. McLean, there was a question, I actually addressed with Mr. Evans during our Agenda review, but I just wanted some clarity.

We have a few employees that did not receive a, a raise based upon this collective bargaining agreement, correct?

Mr. J. McLean: That is correct. Yes, sir.

Councilperson Lawson: How many...

Mr. J. McLean: About...

Councilperson Lawson: ...employee'...

Mr. J. McLean: ...fifteen.

Councilperson Lawson: I'm sorry. How many was it?

Mr. J. McLean: I think it was about fi'..., there'd be about fifteen that would..., that, that may be effected. I can..., let me look at my notes and give you the details of that. Hold one second. I think I have them up here.

Councilperson Lawson: I think Mr. Evans, during our Agenda review, said it was seventeen, just for clarity sake.

Mr. J. McLean: Oh. Yes..., yes, sir.

Councilperson Lawson: Okay.

City Manager Evans: Madam Chair?

Mr. J. McLean: My notes actually show fifteen, but it may be seventeen.

Councilperson Lawson: Yeah.

Mr. J. McLean: I believe redline and, and our recently hired employees were hired near or at the midpoint.

Councilperson Lawson: Mhmm.

Mr. J. McLean: So, that effects it. And then, five held positions, that were downgraded as a resulted of a study that, that was done by the government. And six redline employees are the result of the employee either moving up or down within the organization.

Councilperson Lawson: And, to Councilman McCoy's point, I do appreciate the negotiation because, literally, I believe the SEIU was able to receive a majority of the things that they were looking for, in addition to getting close to market rate for a lot of their employees.

My only concerns is that, this coming year, 2022, from what I'm seeing studies wise, the cost of living is gonna go up five times the amount that it's been over the last couple years. And, I believe that every employee should be..., the opportunity of receiving at least some type of raise, or some type of salary. So, what I was gonna propose to my

colleagues is that we ratify this contract, but we also look the additional seventeen employees, and seeing how we can incorporate with possibly a MOU, with discussion, to further discuss bringing some type of percentage or raise.

I have to agree with Councilman McCoy. Back when we first got here, we were having closed sessions. I was actually out of town at a conference, and we were doing phone calls and discussion to, to talk about the PBA contract. So, we didn't get the same opportunity here. And I wanna make sure that the SEIU employees understand that we are absolutely supportive of them, the cost of living, and the salaries that they're supposed to receive.

So, if we can, colleagues, move forward with ratifying this contract but also give Mr. Evans the opportunity to go into and negotiate a MOU with them to discuss the additional seventeen.., between seventeen and nineteen employees. I believe it was seventeen Mr. Evans told me today, but if we could discuss making sure that every employee gets some sort of percentage of a raise. Whether it's a one to three percent raise, that would allow for the costs of living that's gonna be five times the amount next year, to be recognized for these employees.

So, thank you, Madam Chair.

City Manager Evans: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

City Manager Evans: If I may?

With, with regards to the, the collective bargaining process. We did have a closed executive session with the City Council with regards to PBA negotiations, and that was because we thought that there was some situations where we wouldn't be able to resolve those particular issues at the negotiation table without clarity from the Board, because it came up to bringing additional cash to the table. But we did follow the same process that we did for IAFF, which the Board ratified that particular labor contract.

With respect to the employees, it's.., the, the number is fifteen. That's the latest number that was provided to me by Finance today. Realize that there's a small portion of those employees that probably, next year, will see an increase but some of them came in above what the starting wages would be, because the market was more competitive.

There's another segment of.., so, you break that fifteen number, so five came in above what the starting wage would be, and they're new hires. You have persons that, as a result of the study, their position actually was downgraded as it relates to what the market is paying for the position. And then you have the other situation where you may have those situations where somebody promoted into a position and they got a new start date, and their rate of pay was held harmless, and it may be a lateral move or a down.., a downward move, depends on the particular situation.

So, if the Board wants to direct Staff to do something by virtue of an MOU, that's something we would have to look at the specific circumstances and cases rated to that.

But in totality, the average wage increase for the members of this unit, when you look at what the contract is, the \$4.4MM, that this agency is bringing to the table over a three year period, is roughly about a fifteen percent increase. So you have persons that are, in most cases, getting well over a five to ten percent increase associated with this particular contract.

And so, I do want to state, that for the record, that in the event that the Board decides to say to Staff, 'Look at an MOU,' there are particular situations whereby you may have had somebody that just started with the agency and, if you give them another raise on top of where they already came in, in the pay scale, you're also creating some additional inequities in the compensation schedule, and that may affect other persons.

So, if that's the direction the Board wants to go, we can do additional research, but I, I can't say that, you know, one size fits all with regards to those fifteen persons.

Chairperson Lanier: Very good.

I, I just also would like to say that I do have some heartburn with this contract. Not because of.., I mean, it, it is because of, of some of the employees who are not.., will not be compensated. But, it is because of, number one, the close, close vote of the employees in terms of voting on this contract. And the second, in terms of the number of people who actually voted. I think that, given the opportunity, more people who are a part of that union should have participated in this contract negotiations. And the way that the vote came out, and the way that.., the number of people who voted, it didn't happen that way.

So, a lot of these issues of people having [stammer] issues with this contract, people have reached out to my office in regards to not being able.., or, not feeling like they had a fair shake at this. And, I can't go forward and vote for it. That is up to the Council in terms of where they stand on this issue.

Any other questions in regards to this Item?

Councilperson McCoy: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson McCoy: So, I'm looking here at the proposed SEIU salary schedule, and I'm particularly concerned with the pandemic pay policy that we received back in 2020. There was individuals that were receiving pandemic pay who, under belief and reason, that was provided by Administration, and also Finance, that these individuals were exempt employees and they were not subject to the collective bargaining agreement.

But when I go through this, I'm actually looking at some of the same positions that I seen over on the pandemic pay policy. And I'm gonna tell you right now, [pause], specifically, Staff assistant, and I know specifically the one that was in Finance, her name appeared on the pandemic pay policy, but clearly, that position is in the job class of 8350 on the proposed salary schedule. Which, which means ultimately, for some reason you

had employees receiving pandemic pay policies who were a part of the collective bargaining agreement. And I thought that that was the very reason as to why those employees received it, because they weren't a part of a collective bargaining agreement.

So, it would seem to me that the, the position, or the position that received that, should not be on this SEIU list. And that's a question for the Manager.

City Manager Evans: Madam Chair, and Ms. Young, correct me if I'm wrong.

Chairperson Lanier: Yes. Go ahead.

City Manager Evans: That title is a title that's uniformly used in the agency. But there are some positions that are considered confidential classified, that are outside of the collective bargaining agreement. I think that's what that particular situation. So, you may have the same job title, but the..., where, where that particular position reports to, and their duties and responsibilities, is profoundly different than someone that else has that same job title.

But that's where that, that particular mater is.

Councilperson McCoy: Follow up.

Chairperson Lanier: Yes. Go ahead.

Councilperson McCoy: And that makes my very case of why I think that there was so much disparity in this. Obviously, we didn't approve pandemic pay policy, but we're now being asked to adopt the alary schedule that basically has the same job title, but you may be confidential in one department and then not in the other one.

So, I mean, I have to defend, as a Board Member, a decision that's adverse and inequitable across the organization. And it was basically stated that, 'Oh, well, Finance, their, their Staff assistant got it, and the Staff assistant in whatever other department wasn't entitled to it.' But, having these kneejerk reactions and policies that are not well thought out and... First of all, more importantly, that was not authorized by the Board, creates these kind of situations.

And I'm gonna stand by that position and ..., heck, it's been a year ago that it still exists. Like, I, I can't sit here and... I'm not gonna agree with Mr. Lozman, but he's absolutely right. The Manager's salary shouldn't be set by the Manager. You know, the pandemic pay policy should not be set by the Manager. If we're now asked to approve salary changes, then that clearly shows, and just like we did salary changes in '19 before the pandemic, that's a function of the City Council.

And when we allow these things to happen and don't address it, you have these inequities. And I can't, I can't, for some reason, figure out how that's okay.

That's all I have.

Mr. J. McLean: Coun'..., Council...

Councilperson Botel: [Stammer]...

Mr. J. McLean: ...Councilperson...

Chairperson Lanier: Hold on one second, sir.

Mr. J. McLean: Yes, sir, Chair.

Councilperson Botel: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson Botel: I have some questions for Mr. Evans., if I may?

Mr. Evans, how many people in the City received pandemic pay?

City Manager Evans: Madam Chair, if I may?

Chairperson Lanier: Yes. Go ahead.

City Manager Evans: With respect to... Well, there, there was different variations. We had situations where members in SEIU would work twenty-eight hours and be compensated for forty hours. We had situations where persons in SEIU would work one week and then be off one week and be compensated for forty hours. We then had a discussion with the Board where we did provide for premium pay of 7.5 percent for a period, I think, of roughly about two months. And then, a week off for those persons that were not considered tier 1 and tier 2. Your tier 1 and tier 2 employees, which are your non-represented employees, that was roughly about seventy-one persons.

So, through different variations and with the different bargaining units, there was some type of premium pay that was afforded to the workforce.

Councilperson Botel: And, and.., when was the disaster pay policy approved by City Council?

City Manager Evans: The disaster pay policy, I think goes back to.., I, I would have to defer to Mr. Sherman, but I wanna say maybe 2008...

[Inaudible comment]

City Manager Evans: 2005. I'm sorry. 2005 was when the disaster pay policy was put into place, and that was the policy that we looked to emulate when we looked at the pandemic pay.

And then we modified the pandemic pay policy. As a result of some changes that we anticipated for future disaster pay policies, we're gonna be making some changes after this particular hurricane season.

Councilperson Botel: And the.., and Council will approve those changes?

City Manager Evans: That is correct, Madam Chair. I mean...

Councilperson Botel: And...

City Manager Evans: ...Councilperson. Sorry.

Councilperson Botel: And, your salary, which has come up numerous.., on numerous occasions by Mr. Lozman, what did that include besides the pandemic pay?

City Manager Evans: It.., in, in the document that he's talking about, it was the cash out of sick and vacation time, as well as a twelve percent, which is a part of my retirement. And then the pandemic pay, and then my average wages.

Councilperson Botel: Okay.

So, you know, I probably should save my comments about Mr. Lozman 'til the end, but I, I, I, I just have to say that... You know what, never mind. I'll save my comment. I'll, I'll bite my [chuckle], I'll bite my tongue.

Mr. J. McLean: [Chuckle].

Councilperson Botel: [Chuckle]. I taste the blood running down my throat right now.

Mr. J. McLean: Madam Chair?

Chair Pro Tem Miller-Anderson: Go ahead.

Mr. J. McLean: Yeah. Thank, thank you, Madam Chair.

I, I just wanted to add on the confidential employees, those.., that decision was made by the Public Employees Relations Commission. And so, at the time the bargaining until was defined, they had to go through a certain list of individuals. And some of them, for labor purposes, were deemed to be confidential, even if they had the same title as others. And, all persons in, in every department, was not identified to be confidential. But those that had.., that met the definition in the factual review by the Public Employee's Commission.

And thank you.

Chair Pro Tem Miller-Anderson: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Chair Pro Tem Miller-Anderson: I just wanted to.., I, I may have missed it. It's very possible at this point in time. But...

[Chuckles]

Chair Pro Tem Miller-Anderson: ...did.., Mr. Evans, did you say how many people received the pandemic pay?

City Manager Evans: Madam Chair, if I may?

Chairperson Lanier: Yes. Go ahead.

City Manager Evans: Everyone in the agency received some type of premium pay. The ones that were covered under the pandemic pay policy was a total of about seventy-one. And then there was other mo'.., there was other situations that we created a situation for, for instance, SEIU members. We had Utility District members would work twenty-eight hours, but we would pay them for forty hours.

Chair Pro Tem Miller-Anderson: Right.

City Manager Evans: We had situations where some members in Public Works would work one week and then be off one week. And we would not, you know, deduct any time from their bank. So.., and then, we did come back, and for Public Safety, we did give.., and PMSA, a 7.5 percent to all those units, as well as a week off. And that wasn't something that was provided to the folks that were covered under the pandemic pay policy.

So, every particular unit did get something, in some variation.

Chair Pro Tem Miller-Anderson: Okay.

Thank you so much.

Chairperson Lanier: Very good.

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson Lawson: Looking at the number of votes, I, I think that you had made a comment that the number of votes for SEIU employees was actually fairly low. But the average, from what I'm hearing, is, is normally about fifty percent of the individuals come out to vote for these collective [stammer].., collective bargaining agreements. And, we had close to about seventy percent of them come out. So, it was a high number but I would agree that the number was very close when it came to in favor, and in against.

So, I want us to understand and maybe even feedback, if we received any feedback from why some of the members voted against it, and why they were not supportive of the agreement, if we have any information on that.

City Manager Evans: Madam Chair?

Chairperson Lanier: Yes. Go ahead sir.

City Manager Evans: If I may?

I would have to defer to any representative from SEIU. Mr. Ridley is here, actually, representing the union and he can provide some additional remarks to that topic.

Mr. C. Ridley: Thank you. My name is Chuck Ridley. I have the privilege of...

Chairperson Lanier: You're gonna have to pull it down a little bit so that we can hear you.

Mr. C. Ridley: Okay. Thank...

Chairperson Lanier: And introduce...

Mr. C. Ridley: Is that...

Chairperson Lanier: ...yourself, sir.

Mr. C. Ridley: My name is Chuck Ridley. I have the privilege of being the political coordinator for Florida Public Service Union.

There were those who didn't, didn't agree with..., as, as evidenced by fifty people voting against the contract. The things that gave them the most gas was those who did not receive an increase in salary because they were redline. They were very disappointed not to get that. And I understand that. Not that we didn't work and fight hard for everything that we could.

The other is the change from the accrual system, in which they went from sick and vacation time to PTO. And, the amount of hours that they were able to accrue went..., is somewhere between three and eight days less than they had in the old system.

There's lots here to like. Each side had to give up more than they wanted. And we took it to the members once we took it as far as we could. We took it to them and asked them to now make a decision. And, I can assure you, we gave them every opportunity to vote. We posted it at all of your facilities, we called all members, we text all of what had, and we emailed. So, we used every resource that we had available to make them aware.

And then, the vote came. And it came in at sixty-five who supported it and fifty who didn't. Clearly, we would have liked to have seen a much greater percent of our members approve it. We..., but we have to live with the democratic process as it stands.

Councilperson Lawson: Thank you.

And follow up, Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson Lawson: And, to that point, Mr. Ridley, the percentage of employees that did vote, you said sixty-five for, fifty against. How many total employees is there?

Mr. C. Ridley: That's about a hundred and sixteen.

Councilperson Lawson: No, I'm sorry. How many total employees?

Mr. C. Ridley: Around..., somewhere between a hundred and sixty-five, hundred and sixty-nine. I don't have...

Councilperson Lawson: One sixty-five...

Mr. C. Ridley: ...it in front of me.

Councilperson Lawson: ...and one sixteen. So, sixty..., seventy percent? Close to seventy...

Mr. C. Ridley: Clsoe.

Councilperson Lawson: ...percent. Which is a fairly good number. A good representation of the...

Mr. C. Ridley: In terms of turnout. And, it was..., it, it was contentious. I mean, I'm...

Councilperson Lawson: Right.

Mr. C. Ridley: I'm... [Stammer]... Yeah. [Chuckle]. It was hard fought battle, both sides.

Councilperson Lawson: Okay.

Mr. C. Ridley: We brought it as far as we could bring it. We're here now.

Councilperson Lawson: And, to that point... Madam Chair, if I could just offer a amendment to this Resolution to add on the option of giving our City Manager the ability, with a MOU, to negotiates an additional, at least one percent for all employees, for..., to receive the pay raise.

Mr. J. McLean: Madam Chair?

For all employees or the affected fifteen employees?

Councilperson Lawson: The affected fifteen.

Mr. J. McLean: Yes, sir.

Chair Pro Tem Miller-Anderson: Madam Chair?

Chairperson Lanier: Yes, go ahead.

Chair Pro Tem Miller-Anderson: I mean, of course, I can certainly understand those who..., the, the fifteen people who did not get anything. I would not wanna be, probably, one of those. But I do think it's important for us to know, like Mr. Evans explained not too long ago, there may be someone that came in, just came in a few months ago, on the higher end and they have not been here for very long. So, I think it needs to be looked at on a case by case basis, and not just the..., a broad one percent across the board for all. Because, although...

'Cause the thing is, those who did receive, from my understanding, those are the ones that have been way below what they should have probably been for a while. And the whole purpose in bumping them up is to get them where they should be.

Some of the others that didn't get it, came in higher already, to begin with. And so now you're going to say we're gonna bump 'em up even more, even though they're right

probably, some of them, and I'm just speaking in general terms, are where they're supposed to be.

So, I, I would, you know, I would totally support that one, by knowing what that figure is going to be. And then also, looking at it on a case by case basis, and not just doing it a broad one percent increase.

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson Lawson: And I would be in agreement with that, Ms. Miller., Councilwoman Miller-Anderson. If we can, just look to give Mr. Evans and Staff the ability to negotiate with those fifteen employees and go ahead and ratify the contract today.

[Pause]

Councilperson McCoy: Is that, is that a motion? Is that an amended...

Councilperson Lawson: Yeah. I just wanted to add an amendment that we give Mr. Evans the ability to negotiate an MOU for the fifteen remaining., outstanding employees that did not receive a raise.

Councilperson McCoy: And what was the percentage?

Councilperson Lawson: No, no set percentage. We're not gonna put., I'm not gonna add a percentage to the, to the motion. We'll just leave that ability, and negotiation ability to Mr. Evans and Staff.

Councilperson McCoy: I'm sorry. So... Madam Chair?

Chairperson Lanier: Go ahead.

Councilperson McCoy: Is that., I'm sorry. Councilperson Lawson?

Councilperson Lawson: Sir.

Councilperson McCoy: Is that a motion that you're making right now?

Councilperson Lawson: Sir.

Councilperson McCoy: Are we., are we hearing...

Chairperson Lanier: We're waiting on a second.

Councilperson McCoy: Second.

Chairperson Lanier: Very good.

City Clerk Anthony: Madam Chair, Members of the Board, that is an amended motion. Before there is an amend'., a motion on the floor to approve the Resolution as presented.

Councilperson Lawson: Mhmm.

Councilperson McCoy: Right. But you can amend a motion by inserting an amendment.

Councilperson Lawson: Correct.

City Clerk Anthony: Correct.

Councilperson McCoy: Can you not encompass what he just stated?

City Clerk Anthony: No. I understood. I just...

Councilperson Lawson: Yes.

City Clerk Anthony: ...wanted to make sure that...

Councilperson Lawson: She's just clarifying...

City Clerk Anthony: ...everyone understood it was an amended motion.

Councilperson Lawson: Yes.

Chairperson Lanier: Very good.

Are there any other questions in regards to this Item?

Chair Pro Tem Miller-Anderson: Yes.

So, Mr. Evans and team will go and negotiate with SEIU for those particular individuals? What, I mean, what parameters.., what do we want him to go and negotiate? Like, what are our limits or where do we want him to start?

City Manager Evans: And, Madam Chair, if, if I may?

Chairperson Lanier: Yes. Go ahead, sir.,

City Manager Evans: If the Board does want me to negotiate a specific provision, such as wages, if you can state that for the purposes of providing additional clarity so when we do have the MOU, we can look at the specific circumstances. Because I don't wanna have a situation where now we're negotiating other components of the particular arrangement.

So, it's that particular.., the impacted employees, and, and we can look at those on a case by case scenario, but we would then engage the, the union representatives to facilitate that negotiation. So, as, as much parameters or guidance the Board can provide us, I, I would encourage you, as it relates to a negotiation process, not to communicate the percentage. We can, we can certainly get to a point where I think both parties are comfortable with, with something.

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson Lawson: If I could add a caveat to add wages, encompass wages. I, I did wanna set a percentage at that one percent. But as Mr. Evans said, let's make that flexible and fluid so that he can have the ability to negotiate that, and just leave it as wages.

[Inaudible comment]

Chairperson Lanier: Okay. Where we are?

Councilperson Lawson: Councilman, does your second still stand?

Councilperson McCoy: Yes. And, I would ask.., I mean, obviously, I would think somewhere around the median range of whatever the overall percentage increase is, Mr. Evans.

City Manager Evans: Yes. We would...

Councilperson McCoy: [Stammer]...

City Manager Evans: ...we would... Madam Chair, if I may?

Chairperson Lanier: Yes. Go ahead.

City Manager Evans: Yes. We would ensure that it would be something that would be comparable, consistent with what...

Councilperson McCoy: Second. Second.

Councilperson Lawson: Sure.

Chairperson Lanier: Alright. Very good.

Madam Clerk.

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: Yes.

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: Yes.

City Clerk Anthony: Pro Tem Miller-Anderson?

Chair Pro Tem Miller-Anderson: Yes.

City Clerk Anthony: Chair Lanier?

Chairperson Lanier: No.

City Clerk Anthony: That motion is approved with Councilperson Lanier dissenting.

Chairperson Lanier: Very good.

Next Item.

27. City Clerk Anthony: RESOLUTION...

Mr. J. McLean: Thank you.

City Clerk Anthony: ...NUMBER 102-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING THE AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE FOR \$50,000 TO ASSIST WITH EXPANDING COMMUNITY GARDENS AND THE URBAN FARM; AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

RICHARD BLANKENSHIP, PARKS & RECREATION DIRECTOR, 561-845-4072

City Clerk Anthony: Madam Chair, Members of the Board, we do not have any public comment cards on this Item.

Councilperson McCoy: Move to approve.

Councilperson Lawson: Second.

Chairperson Lanier: Mr. Evans.

City Manager Evans: Madam Chair, Staff is prepared to answer any questions that the Board may have. This is receiving a grant from the Florida Department of Agriculture for \$50,000 for the expansion of community gardens and urban farms.

Chairperson Lanier: Any question in regards to this Item? [Pause].

Any public comment?

City Clerk Anthony: No, Madam Chair.

Chairperson Lanier: Go ahead.

Madam Clerk.

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: Yes.

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: Yes.

City Clerk Anthony: Pro Tem Miller-Anderson?

Chair Pro Tem Miller-Anderson: Yes.

City Clerk Anthony: Chair Lanier?

Chairperson Lanier: Yes.

City Clerk Anthony: Motion approved.

Parks & Recreation Director Blankenship: Thank you.

Chairperson Lanier: Very good.

Next Item.

DISCUSSION AND DELIBERATION

28. 2020-2021 ANNUAL REPORT, 2021-2022 DRAFT AUDIT PLAN, AND AUDIT COMMITTEE.

ELENA GEORGIEV, INTERNAL AUDITOR, 561-812-6591

City Manager Evans: Madam Chair and, and Members of the Board, I would ask that our Internal Auditor make this presentation with regards to the 2021-022 draft audit plan.

Chairperson Lanier: Very good.

Go ahead, Ms. Georgiev.

Internal Auditor Georgiev: Good evening, Mayor, Chairperson, Members of City Council. I'm here in front of you tonight to present to you the 2020-2021 annual report, the draft 2021-2022 audit plan, and to seek your guidance as it relates to the Audit Committee.

Just clarification. The annual report is a summary of the Office of the Internal Auditor's activity for the past year.

And, I wanna ask you if you have any questions?

Chairperson Lanier: Very good.

Any questions? For Ms. Elena in regards to this plan? [Pause]. Okay.

Internal Auditor Georgiev: Okay. So...

Chairperson Lanier: Alright.

Internal Auditor Georgiev: ...moving on to the Fiscal Year 2022 draft audit plan. I developed., over the past several months, I developed the audit plan using our risk based methodology, which is described on Page 1 of the draft audit plan.

On Page 2, I've included a schedule with proposed audits. And, and [inaudible].

And again, I would like to ask if any of you have any questions regarding the proposed draft audit plan?

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson Lawson: The additional recommendations, which would be the [Inaudible] grants real estate and P-Cards. Those are recommendations to add into this audit plan?

Internal Auditor Georgiev: Yes.

Councilperson Lawson: Assessment of IT cyber security as well?

Internal Auditor Georgiev: Yes.

Councilperson Lawson: Okay.

Yeah. I'd be in support of those absolutely.

Thank you, Madam Chair.

Chairperson Lanier: Yes. Thank you.

Internal Auditor Georgiev: Okay.

And, the last item that I want to bring to your attention tonight is the member.., the Audit Committee membership. In the spring of 2020, Council voted to establish an Audit Committee with a purpose of selecting an external auditor for the City. And, in addition, it granted some oversight, or responsibilities to the Committee over the Office of the Internal Auditor.

With the Ordinance that was just adopted in July of this year to formally establish the Office of the Independent Auditor, there were additional responsibilities that were granted to the Audit Committee. And, I come here tonight to ask you if you wish to reappoint the members that were originally appointed to the Audit Committee, or if you wish to open the positions? Again, the community and, essentially, the process will be started over.

Chairperson Lanier: So, did the people who.., did you ask the original members did they want to be reappointed? What was their answer?

Internal Auditor Georgiev: Out of the four members that were originally appointed, three of them are willing to return and serve.

Chairperson Lanier: So what is the pleasure of the Board, how we move forward with this, choosing of the members for the, the Audit Committee? Three members have

decided that they want to stay on the Board. There is one member that does not want to return.

I think that each of us chose someone from our District to represent that Board. We would probably have to know which District that person did not want to come back. Which District they came from?

Internal Auditor Georgiev: Well, I do not have that answer, but I know who the person is.

Councilperson Botel: I, I'm... Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson Botel: Are his initials N.A.?

Internal Auditor Georgiev: No.

Councilperson Botel: Oh. [Chuckle]. Then it's not mine.

City Manager Evans: Madam Chair...

Chairperson Lanier: Yes.

City Manager Evans: ...also, one of the things that I do wanna point out, is that the Ordinance that establishes the Internal Audit function does provide for minimum criteria for persons to serve on that particular committee. So, those individuals, which I think a large portion of our existing Audit Committee, or the, the Audit Committee members that were looking to serve again, do meet those qualifications. But there is some qualifications requirement, per the Ordinance.

Chairperson Lanier: Okay. So, where does that leave us?

City Manager Evans: Do we know, Ms. Georgiev, do we know the, the individual or the elected official that represented or that put forward the name of the person that the vacancy exists? [Pause]. Okay.

Councilperson McCoy: You don't..., I'm sorry. She doesn't know?

Internal Auditor Georgiev: No. I don't.

Councilperson McCoy: You don't know the person's name?

Internal Auditor Georgiev: I know the person..., person's name. I am not sure who appointed her.

Councilperson McCoy: Can you say the..., it must be Ms. Estelle.

Internal Auditor Georgiev: No.

City Manager Evans: Ms. Jackson.

Internal Auditor Georgiev: Ms... Yes. [Chuckle].

Councilperson McCoy: Oh.

Internal Auditor Georgiev: Ms...

Councilperson McCoy: Well...

Internal Auditor Georgiev: ...Kimberly Jackson, she communicated to me that she will not be returning to the committee.

Councilperson McCoy: Okay. Well, let's just move on. I mean, obviously, if someone applies, can we just advertise in the same fashion? Because there was no exact number that equated to the number of elected officials. So, I think we just move forward, advertise it and that'll be that.

But, it's impractical to think that we need to have a membership when the very purpose of the Audit Committee is to have some level of independence from the City Council. Because if I appointed my best friend, I mean, and they reported back to me and I gave him my perspective, that kinda removes that independence.

I wanna.., excuse me. I don't wanna continue to bureaucratize everything in the City. Let's just submit applications and, I mean, you know, it's a, it's a struggle to get people to serve. Now, if some member wants.., is dead set on selecting somebody, you know, go for it, but this just seems very trivial.

Chairperson Lanier: Alright. Very good.

So, we'll move forward with the.., with the position being advertised. Put it that way.

Internal Auditor Georgiev: Okay.

Councilperson McCoy: Right. And then...

Chair Pro Tem Miller-Anderson: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Chair Pro Tem Miller-Anderson: And, and I'm fine with that because I, I mean, the person that I appointed is not in my District. So, I don't think it exactly goes by the District, 'cause that wasn't what we...

Councilperson McCoy: Right. And I believe the new.., the new requirements is that they meet that background requirement. So, quite frankly, if they come from, you know, what... And then, in fact, I think the Ordinance can even speak to that, they don't even have to be City residents. Correct?

Internal Auditor Georgiev: Correct. They can...

Councilperson McCoy: Right.

Internal Auditor Georgiev: ...be a...

Councilperson McCoy: A businessowner?

Internal Auditor Georgiev: ...a businessowner.

Councilperson McCoy: Right. So, whatever.

Chairperson Lanier: Alright. Very good.

We'll move forward in that fashion.

Internal Auditor Georgiev: Okay. So, we'll adver'..., just to clarify, we will go and advertise that one open position?

Chairperson Lanier: Yes.

Internal Auditor Georgiev: Okay.

City Manager Evans: And then, Madam Chair, what we'll do, is once that..., we have applicants for that, we'll bring all the applicants back to the Board for the purposes of confirming their appointments.

Chairperson Lanier: Very good.

Thank you, Ms. Elena.

Internal Auditor Georgiev: Thank you.

Chairperson Lanier: Next Item.

City Manager Evans: Madam Chair, I believe that concludes our Items that are on the Agenda.

Chairperson Lanier: We're not doing the Canvassing Board?

City Attorney Wynn: Canvassing...

City Manager Evans: Oh Canvassing. I'm sorry. My apologies. My apologies.

Chairperson Lanier: Slow down.

City Manager Evans: Sorry.

Chair Pro Tem Miller-Anderson: I'm right there with you, Mr. Evans.

[Chuckles]

Councilperson McCoy: Yeah. I'm, I'm there too. I'm not getting pandemic pay.

29. ITEM NO. 29

DISCUSSION ON REVISING THE COMPOSITION OF THE CITY'S CANVASSING BOARD.

CLAUDENE L. ANTHONY, CITY CLERK, 561-845-4090

City Manager Evans: Madam Chair and Members of the Board...

[Inaudible dais comment]

City Manager Evans: ...this Item before you this evening is the discussion with regards to the composition of the City's Canvassing Board. As you heard from the Supervisor's..., Supervisor of Election, there are some options that were proffered. And so, Staff is recommending dir'..., or, Staff is seeking direction from the Board because if there's any tweaks or modifications, then we need to bring back the corresponding Ordinance that effectuates the desire that the Board has related to this topic.

Chair Pro Tem Miller-Anderson: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Chair Pro Tem Miller-Anderson: Well, I know with the way we do things here in Riviera, in terms of Councilpersons supporting other, you know, people, I do see the benefit of having the county do it. But I just want it to be clear, are we losing any control of anything by... I heard her say that it really isn't an additional..., it will not be an additional cost or anything, but is there like, any negatives for us going that direction?

I mean, I know the Canvassing Board that they have, I mean, they do it for numerous municipalities and seems to be a pretty fair process. But is there..., will there be... Do you think there are any negatives or cons to this..., going that way?

City Clerk Anthony: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

City Clerk Anthony: I don't believe that there are any real negatives with going with the county Canvassing Board. As you all are aware, with..., having to choose a fellow Council Member, so to speak, to serve on the Cou'..., the Canvassing Board, that causes that person not to be active in someone else's campaign, if they so desire.

I believe Ms. Miller-Anderson and Mr. McCoy, I believe you all may have been the only two that have had the pleasure of sitting down there...

Chair Pro Tem Miller-Anderson: Oh, it's not a pleasure.

City Clerk Anthony: ...at the office with me.

[Chuckles]

City Clerk Anthony: I believe the latest that, Ms. Miler-Anderson, I believe it was you, was when we were there until a quarter to three in the morning.

Chair Pro Tem Miller-Anderson: Yeah.

City Clerk Anthony: So, yes, ma'am.

Chair Pro Tem Miller-Anderson: Yeah.

City Clerk Anthony: Mr. McCoy had the pleasure of experiencing that. We weren't quite that late.

Chair Pro Tem Miller-Anderson: Right.

City Clerk Anthony: But, he experienced...

Councilperson McCoy: Oh, it was definitely...

City Clerk Anthony: ...being there after...

Councilperson McCoy: ...late.

City Clerk Anthony: ...midnight.

Chair Pro Tem Miller-Anderson: It wasn't that... [Inaudible].

City Clerk Anthony: So, I, I... The City Clerk is here to serve. And so, it's really up to you all if you all want to have the opportunity to be active in anyone's campaign. You know, that., this will be a way to allow you all to do that. And, like we have the election that's coming up next year, which is our biggest election, I only have two, two Councilpersons to choose from if you all make the decision not to change.

But if those two Councilpeople decide that they wanna be active in the campaign of someone else, we're kinda in a catch 22 situation when it comes down to having a complete Canvassing Board.

Chair Pro Tem Miller-Anderson: And let me be clear, that's not really my whole purpose in asking this., about, you know, whether you can., I can be active in somebody's campaign or not. But, I know, you know, just the time that's spent hanging out there waiting, you know, especially if something is running late. [Stammer] and that includes you all having to be there. And, if it is a way to make it a little easier on everyone and not cause any additional cost, I don't see the downside to letting the county do it for us. 'Cause they're there anyway and, I mean, we're sitting with them anyway. I mean, we don't., the Canvassing Board's not just us, it wouldn't be just the City. It includes the vast majority of the people from outside.

I, I don't., if you., I haven't heard any negative'., negatives to it. So at this point, I'm in support of that. And I just wanna be very clear, it has nothing to do with being in anybody's campaign. So., but I do support it, going down, down the line.

Chairperson Lanier: I also support the county being a part of it. You know, either way it doesn't really hash out to a major issue for this Board. So, if we go with the county, that's fine with me.

Councilperson McCoy: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson McCoy: So, I, I just wanna kinda give us something to think about. So, I'm looking at that section of the Code, and it's Section 511 and it's titled, 'Canvassing Certification of Election.' So, if we look at this from that perspective, that we're gonna allow the Supervisor of Elections to do the canvassing, then when do we convene as the Canvassing Board to accept the results? I mean, do we now have to have the same Chief Judge from Palm Beach County the SOE, and also the City Clerk to come here? Or, do they then certify the results over at their place?

City Clerk Anthony: They certify the results and that would cut out of having a Canvassing Board meeting. However, if you look at that section in the Code, it actually states something is to be, be presented to the City Council.

Councilperson McCoy: Right.

City Clerk Anthony: So, what will happen is, is that a Resolution would be drafted for the City Council to approve to accept the certification of the results of the election.

Councilperson McCoy: A Resolution would be drafted? That's not what it says there.

City Clerk Anthony: It says to be presented for the City Council's [inaudible]...

Councilperson McCoy: So, so... And here's why I ask that question.

Unk.: Uhuh.

Councilperson McCoy: And, letter B, I think is what you're speaking of, 'The City Clerk shall give to each person who shall be elected to office, a certificate of his or her election, administer Oath of Office, for the elected position and arrange an orientation for newly elected officials. The City Clerk shall present a Certification of Election Results to the City Council at the first regular meeting of the City Council following the election.'

So, here's my concern. If we're gonna let the Canvassing Board do the canvassing, they certify the elections. Why do we need to now wait... And I think I brought this up to, I believe, maybe Mr., Ms. Wynn, but why do we need to wait to then give that Councilperson a certification of their.., of their election?

In fact, it would seem to me, if they've already certified it, then that person should be permitted to start, I mean, at the next available meeting, without having to now go through this process that you.., the Code said you can't be a Councilperson until the next meeting. Once the election results are certified by the, the county's Canvassing Board, then that person, all they should have to do, in my opinion, is be administered the Oath of Office.

And I'm saying that to suggest, I would like letter B to be changed, in my opinion, that you don't necessarily have to wait. And, the reason I say that is because this what.., is what created that issue where a Councilperson is elected until a successor is named.

I think that's somewhere in our Charter. But then, you have this issue where we had an..., and I'm, I'm sure Councilwoman Miller-Anderson recalls where, in 2000' and, what was it?

City Clerk Anthony: '16.

Chair Pro Tem Miller-Anderson: '18?

Councilperson McCoy: '16?

Chair Pro Tem Miller-Anderson: '18?

City Clerk Anthony: No.

Councilperson McCoy: '16.

City Clerk Anthony: '16.

Councilperson McCoy: Where we had that whole issue where we had a runoff, and then a special runoff.

[Inaudible dais comment]

Councilperson McCoy: And then you still had a person that was maintaining that seat. And I guess they technically still maintained it until a successor was named. So, in that fact that you have the Charter saying one thing, you have almost conflicting positions because I would like to see if, if that is, in fact, the case, then let's not wait to then have another meeting to then install a new elected o'..., person.

I mean, if for some disaster purposes and you needed to..., I mean, once the election results are certified, I mean, technically, they should be installed and administered the oath. And which should not have to be at a formal meeting. It can be a ceremonial oath, but you should be able to get the oath administered by the Clerk, or anybody that's authorized under the statute to do it.

Chairperson Lanier: What section are you talking about, Mr. McCoy?

Councilperson McCoy: Section 511 of the City Code of Ordinances.

I, I., my, my concern is Item B. There's no..., really no reason. If we choose to let the Canvassing Board do it, there's no reason to have to wait until we go to our next City Council meeting. You're gonna have that situation where a Councilperson still..., a former Councilperson is still gonna be sitting in that seat, and it may be a odd time of, you know, almost a couple weeks before we can have another regular meeting.

City Clerk Anthony: Madam Chair and Members of the Board?

Chairperson Lanier: Yes.

City Clerk Anthony: In looking at Section [stammer] 7, of the City Charter, Article 2, Section 7, it also states in that particular section, it reads, 'The terms of the present

elected City official shall continue until successors thereto have been elected and qualified at the regular and runoff election, herein above provided and shall take office at the next regular City Council meeting after general election. And, at such..., at such time, shall commence with the selection of Chair and Chair Pro Tem.'

I'm bringing that to your attention because if you want..., we make that change in parens A, know that that's in your Charter. And, to get that changed in the Charter, it would have to go to the voters.

Councilperson McCoy: But, but, but here's the thing. Even if you look at that section, and Ms. Wynn, I want your attention on that as well, that's almost suggesting that a person is elected at the general election. It doesn't speak to the runoff election. So clearly, if..., basically, if you rely on that section of the Charter, and this is gonna be Article 2, Section 7, that essentially means, if you win in a runoff election then, technically, you won't even be installed as a elected official. It doesn't speak to runoff elections.

[Pause]

Chairperson Lanier: So how do we wanna proceed with this?

Councilperson McCoy: It doesn't matter. Let's just move on. But, I, I wanna bring to...

[Chuckles]

Councilperson McCoy: Because, you know, it's like, I don't wanna get stuck in that position where we got folks that's..., I, I guess you're a lame duck Councilperson and you're just riding out for the next..., until the next City Council meeting...

Chairperson Lanier: It's only gonna be two weeks [inaudible]...

Councilperson McCoy: Yeah. But my, my question is, if you have an issue and you had this whole contentious issue, and I remember people saying, 'Well, this Councilperson shouldn't be allowed to vote on nothing because he hasn't technically,' you know, 'won reelection.' And, he's sitting there, he's getting, he's getting paid but we don't..., It was something really funky, and I just don't want to see us in that situation, where you got folks saying... And it's almost like in Administration, you don't want this person to be able to dictate, you know, what's gonna happen going forward when they only have two weeks left.

And, because we haven't gotten a regular...

Chairperson Lanier: Well, how do we remedy that? How do, how do...

Councilperson McCoy: Well, obviously...

Chairperson Lanier: ...how do we...

Councilperson McCoy: ...I would... That's why I wanted to ch'..., see if we could change Section 5'..., 511, subsection B, that...

City Clerk Anthony: But understand that that's..., that's also the language that's in your City Charter.

Councilperson McCoy: Right. But the City Charter only speaks to general elections. That's what I'm pointing out to you, Ms., Ms. Anthony. If you look at the City Charter, Section 2..., I'm sorry, Article 2, Section 7, it only speaks to regular elections.

City Clerk Anthony: I'll have to...

Councilperson McCoy: Re'... We have...

City Clerk Anthony: ...lend to, to Ms. Wynn, because it says regular and runoff elections. So...

Councilperson McCoy: In, in that section?

City Clerk Anthony: That would... Yes, sir. So, I would have to...

Chair Pro Tem Miller-Anderson: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Chair Pro Tem Miller-Anderson: Whatever we decide to do, how long are we locked into that? Is it after the...

City Clerk Anthony: How long are you lock into?

Chair Pro Tem Miller-Anderson: Make..., allowing the county to, to do it? Is it just for...

City Clerk Anthony: You can always change...

Chair Pro Tem Miller-Anderson: We can...

City Clerk Anthony: ...[inaudible]...

Chair Pro Tem Miller-Anderson: ...change it anytime?

City Clerk Anthony: ...because that's a part of your Code of Ordinances.

Chair Pro Tem Miller-Anderson: Okay.

City Clerk Anthony: It's not a part of your City Charter.

Chair Pro Tem Miller-Anderson: Okay. So...

Councilperson McCoy: Let...

Chair Pro Tem Miller-Anderson: ...I mean, I'm fine with moving forward.

Chairperson Lanier: Okay.

Councilperson McCoy: Can I [stammer] last'..., lastly say this?

So, it says, 'The term of the present elected official shall continue until successors thereto have been elected and qualified at the regular and runoff election herein above provided, and shall take office...' So... And it says, 'and shall take office at the next regular City Council meeting after the general election.'

So, I, I don't understand how that really applies to runoff elections because a runoff elections is not the general election. I mean, if that's true, then you winning the runoff, they're saying you won't be able to take office until the next general election, which would be the following two years. So, the Charter's not consistent with the Code, quite frankly. And I'm saying that, you know, it, it, it really doesn't matter.

Let's, let's try to figure out the best way to move forward.

Chairperson Lanier: Very good.

You can bring that information back to us.

City Clerk Anthony: So, do I have the consensus of the Board to have the county Canvassing Board to [stammer] as your Canvassing Board?

Chair Pro Tem Miller-Anderson: My answer is yes.

Chairperson Lanier: Yes. Mr. McCoy? Mr...

Councilperson McCoy: Well, well here's...

Chairperson Lanier: ...Lawson.

Councilperson McCoy: ...the thing. No. I, I, I was looking to see if we can have both Sections 511(a) and 511(b) addressed? So, I mean, unless we're gonna do both, I don't think that's a good idea.

Chairperson Lanier: Okay. That's a no. Mr...

Councilperson McCoy: No.

Chairperson Lanier: Mr. Lawson?

Councilperson Lawson: I wouldn't be in support of it, Madam Chair.

Chairperson Lanier: Alright. Very good.

You need to bring that back to us? There's a aye, basically. So, you can bring that back to us with more information in regards to the Item, and the issue that was raised by Councilman McCoy.

Thank you.

DISCUSSION BY CITY MANAGER

Chairperson Lanier: Discussion by City Manager.

City Manager Evans: Yes, Madam Chair.

At this particular time, I would like to introduce our new Public Works Director, Mr. Louis Johnson. He has been with us since Monday. And obviously, he came back after his first day at work so we're excited to...

[Inaudible dais comment]

City Manager Evans: ...have him aboard. And I'll have him share a little bit about himself and his experience that he brings to the agency.

Chair Pro Tem Miller-Anderson: Well, let's hope [inaudible]...

City Manager Evans: Dr. Johnson.

Chair Pro Tem Miller-Anderson: ...after tomorrow. I mean, after tonight.

[Chuckles]

Public Works Director Johnson: Good evening, Madam, Madam Chair and Council Members. My name is Louis Johnson. I have over thirty-three years of experience in Public Works and Utilities. I have a [inaudible] background in, in environmental and, and also, I moved forward in different municipalities. My previous position was a, a Deputy County Administrator for Okeechobee County. And, I'm just ecstatic to be here at the City of Riviera Beach, to help move this City forward, in the best way I know how. And, looking forward to working with such a great team, that I've been introduced to.

Thank you.

Chairperson Lanier: Thank you, sir.

City Manager Evans: Welcome...

Chairperson Lanier: Welcome aboard.

Chair Pro Tem Miller-Anderson: Welcome. [Inaudible].

City Manager Evans: Ma'...

Chairperson Lanier: Yes.

City Manager Evans: That concludes my comments, Madam Chair.

Chairperson Lanier: Alright.

DISCUSSION BY CITY ATTORNEY

Chairperson Lanier: Comments from the Attorney?

City Attorney Wynn: No. No comments, Madam Chair?

[Inaudible dais discussion]

CITY COUNCIL COMMITTEE REPORTS

STATEMENTS BY THE MAYOR AND CITY COUNCIL

Chairperson Lanier: We'll start with the Mayor. Your comments, Mayor?

Mayor Felder: Yeah. Just one comment.

Saturday, we're doing a drive-by senior luncheon at JAYS Ministries, starting at 11:00 o'clock.

Thank you, Madam Chair.

Chairperson Lanier: Thank you.

We'll go next to Dr. Botel?

Councilperson Botel: I have a couple of committee reports. I attended the Palm Beach County Housing Steering Committee. We discussed the Planning & Zoning changes that could be made to accommodate more workforce and affordable housing.

I also attended the Government Affairs Committee meeting on September 10th at 8:00 a.m. Our guest speaker was Steven L. Abrams, Executive Director of the South Florida Regional Transportation Authority. We talked about the possibility of a new rail stop over by the VA Hospital, which I thought might be really interesting for us.

And then, just today, I attended the Palm Beach County Hunger Relief Advisory Council. We will be working on the issue of hunger in our community, in Riviera Beach, which I'm very excited about because they can bring a lot of resources to us.

Shall I do my comments now as well?

Chairperson Lanier: Yes, ma'am.

Councilperson Botel: Alright.

I wanna set the record straight with regard to my so-called control [chuckle] of this Council. And also the hiring and firing practices of the City. Where is this alleged email telling the Manager.., that I'm telling the Manager to fire an employee? There is no such email. So, Mr. Lozman, once again, is not being truthful with you.

I certainly don't control my colleagues. I would ask my colleagues, even now, to speak up as to whether I have ever tried to persuade them of anything, much less control them. I mean, we have Sunshine laws for a reason. I don't go and try to persuade my colleagues of anything. Frankly, I'm flattered that anyone would think that I somehow have this power to do everything Mr. Lozman [chuckle] has accused me of doing. I don't have that power.

Now, I understand Mr. Lozman is angry that I've persistent in representing my constituents and their passionate concern for our environment. And frankly, his anger makes me proud, because it means I've done my job well.

So, I appreciate it. Thank you, Mr. Lozman.

And those are my comments.

Chairperson Lanier: [Chuckle]. Thank you very much.

Mr. Lawson.

Councilperson Lawson: Thank you, Madam Chair.

First, I wanted to announce our community cleanup. Community Trash Warriors, are gonna be hosting a cleanup on September 25th. It's gonna be at 8:00 a.m. We're starting at Cunningham Park. So, it's gonna be from 8:00 to 1:00 at Cunningham Park. So, if everybody can come out. It's gonna be hosted by Community Trash Warriors. I believe Councilman McCoy and Mayor Felder has committed to being there, and if we can have all of our colleagues come to show up for the community cleanup.

And also, I just wanted to thank everybody for all the phone calls and messages and prayers of encouragement for me and my family. I wanna thank my fiancé's grandmother, and my future mother-in-law for even coming today. I didn't know that they were gonna be here, and appreciate and love the support that they've always shown me.

I understand there's many that have come up with their own narratives, but essentially, my family and I, however, wanna assure everybody that when I have the opportunity to speak, I will. But what I can say today that I love my family dearly. That I would never allow them, or themselves, to harm. And when I can speak more, I will.

Until then, I look forward to continue to work hard for our City, continue to work for my constituents, and being the best man for my family that I can. One thing I will say is, I will not be bullied or mischaracterized for political gain from anyone.

So, I just want everyone to understand that this beautiful City is something that is dear to my heart and we will continue to push forward as one City, working together as one community, and restoring our village.

Thank you, Madam Chair.

Chairperson Lanier: Thank you.

Ms. Miller-Anderson.

Chair Pro Tem Miller-Anderson: Well, I, I did have several things, but I'm just going to throw one out there, because of the community benefit that was put out earlier today. It is for..., I'm excited for this Citywide Scavenger Hunt that we'll be doing mid-October. More information will come out. But, basically, participants will be going around the entire City. There's an app, Goose Chase app, that people will be able to sign up on,

participate in doing different..., completing different missions which will... One of..., several objectives of it is, one, to get the community engaged, to explore the City by going to different locations throughout the City. Also, to help stimulate the economy. So, we're looking forward to businesses that are willing to provide some sort of discount to the residents that are participating in this, and then you would be highlighted as one of the missions to be completed. People will earn points and, obviously, with the more points that they earn, they will earn prizes.

So, look forward to the information coming out. It'll be running for about four, probably about four weeks. And it'll be in the..., towards the middle or end of October. But any business or nonprofit organization, because a part of it is having people volunteer at different nonprofit organizations. So I wanna see that people can give back to their community. Some of the missions are helping pick up trash, exercising, increasing health and, and wellness. So, it's a number of objectives that will be met during this scavenger hunt.

But the whole point of it is for everyone to be engaged, and have a little bit of fun. So, look forward to that information. Any business or nonprofit that wants to participate, you can email kmiller@rivierabeach.org, or kgreen@rivierabeach.org. And we will get back with you so that we can add you to our list.

And, one thing, earlier... Well, not earlier. The yellow signs that are put out for the notifications of, like, for example, the Amazon one today. There was a big yellow sign. It..., what is the process for those getting collected after the meetings have taken place? Because, like, there's one probably up since June. I think we've already had the meeting. And, it just seems like there's no..., people don't go... I don't know who's responsible for going back and picking those signs up and removing them because they kinda just stay there. So, if we can just make sure that, I don't know if it's Code or Parks & Rec, or whoever, goes out there. Just make sure that we pick those things up.

And, and that's really it. I, I appreciate all of the hard work everyone is doing. Yeah. Today was a very..., this was a difficult meeting tonight. I'm..., I, you know, I've been in many long meetings but today was pretty heavy. So, I'm excited to see you all next week. Not later.

[Chuckles]

Chairperson Lanier: Very good.

Two t things. We are finalists in the Perk Your Park contest. Please help our community win a \$90,000 park upgrade for the Barracuda Bay urban farm or the Federal Gardens urban trail. You can vote each day until Wednesday, September 29th. This initiative is important because it is a, it is of the beautification opportunities it offers for the westside. You can vote for the Barracuda Bay urban farm or Federal Gardens urban trail once per day during the contest. Head to www.niagraperkyourpark.com to vote and help the City of Riviera Beach take advantage of this exciting opportunity. It is also posted on the City's website.

The Office of District 3 provided the Inner City Innovators, as you know them, Hope Dealers, an opportunity to reshape the lives of young men in the City of Riviera Beach. They are delivering alternate methods to their mentees for coping with stress and emotional trauma which are important tools to be a productive member of society.

Today, our mentees practiced yoga with professionals in our Brooks Center. Every Wednesday, the Inner City Innovators, or Hope Healers, meet from 6:00 to 8:00. And if you know young men who are in need of this service, please have them call my office at 845-3687.

And lastly, the Barracuda Bay urban farm partnership with E-Road Maps is looking for volunteers, people. We need volunteers at our urban farm, for their gardening efforts. Any individuals, or organizations, who are interested [stammer], please reach out to my office, 845-3687 or Ms. Veleke Brown at 561-223-9774.

Thank you so much.

ADJOURNMENT

Chairperson Lanier: And this meeting is adjourned.

[Gavel]

[End Of video]

City Employees, Public Comment Speakers and Others

Lloyd Brown

Mr. L. Brown

Finance and Administrative Services Director Services Randy Sherman

Finance and Administrative Director Sherman

Police Chief Nathan Osgood

Police Chief Osgood

Palm Beach County Supervisor of Elections Wendy Sartory Link

Supervisor Link

Senior Assistant City Attorney Lina Busby

Senior Assistant City Attorney Busby

Andrew Bauman, Esq.

Mr. A. Bauman

Alyssa Freeman

Ms. E. Freeman

Fane Lozman

Mr. F. Lozman

J.B. Dixon

Ms. J.B. Dixon

Cindy March

Ms. C. March

Bessie Brown

Ms. B. Brown

Margaret Shepherd

Ms. M. Shepherd

Judith Duvenger

Ms. J. Duvenger

Dorothy Lowery

Ms. D. Lowery

Regina Simon

Ms. R. Simon

Gene Eckels

Mr. G. Eckels

William Wiley

Mr. W. Wiley

Doretta Paulk

Ms. D. Paulk

Development Services Director Clarence Sirmons

Development Services Director Sirmons

Kimley-Horn Civil Engineer Jordan Haggerty Mr. J. Haggerty

Assistant Human Resources Director Eureka Young

Assistant Human Resources Director Young

Jack McLean

Mr. J. McLean

Florida Public Service Union Chuck Ridley Mr. C. Ridley

Parks & Recreation Director Richard Blankenship

Parks & Recreation Director Blankenship

Internal Auditor Elana Georgiev

Internal Auditor Georgiev

Public Works Director Louis Johnson

Public Works Director Johnson

APPROVED:

**RONNIE L. FELDER
MAYOR**

**SHIRLEY D. LANIER
CHAIRPERSON**

ATTEST:

**CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK**

**KASHAMBA MILLER-ANDERSON
CHAIR PRO TEM**

**TRADRICK MCCOY
COUNCILPERSON**

JULIA A. BOTEL, Ed.D
COUNCILPERSON

DOUGLAS A. LAWSON
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____

DATE APPROVED: **OCTOBER 20, 2021**