

ORDINANCES ON SECOND READING

14. ORDINANCE NO. 4056 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING CHAPTER 10, ARTICLE VI ENTITLED "TELECOMMUNICATIONS REGULATIONS" OF THE CODE OF ORDINANCES BY RENAMING THE ARTICLE TO "PLACEMENT AND MAINTENANCE OF FACILITIES FOR COMMUNICATIONS SERVICES IN RIGHTS-OF-WAY"; UPDATING DEFINITIONS IN CONFORMANCE WITH STATE LAW; PROVIDING FOR WIRELESS COMMUNICATIONS FACILITIES; UPDATING AND REVISING THE REGISTRATION AND PERMITTING PROCESS; REQUIRING DESIGN FEATURES FOR CERTAIN ABOVE GROUND FACILITIES; PROVIDING PLACEMENT PARAMETERS FOR WIRELESS TELECOMMUNICATIONS FACILITIES IN RESIDENTIAL RIGHTS-OF-WAY; REVISING ADMINISTRATION AND ENFORCEMENT PROCEDURES; PROVIDING REGULATIONS FOR "PASS THROUGH PROVIDERS" IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

COUNCILPERSON THOMAS: So move.

COUNCILPERSON THOMAS: Second.

CHAIR PRO TEM PARDO: Okay. We have one public comment card. Lisa Maxwell.

LISA MAXWELL: Thank you, Madam Vice Mayor, Commissioner. My name is Lisa Maxwell. I'm here tonight with -- representing Crown Castle, and I'm just here to answer any questions, if you have any, from the industry. Thank you.

CHAIR PRO TEM PARDO: Okay. Thank you, ma'am.

COUNCILPERSON THOMAS: Madam Chair.

CHAIR PRO TEM PARDO: Okay. This is a -- an ordinance on second reading.

CITY MANAGER JONES: Right.

CHAIR PRO TEM PARDO: So any questions? Mr. Guyton?

COUNCILPERSON THOMAS: Yes.

CHAIR PRO TEM PARDO: You have something?

COUNCILPERSON THOMAS: I have one for our staff.

CHAIR PRO TEM PARDO: Go right ahead, sir.

COUNCILPERSON THOMAS: There were several issues at our last meeting that were brought up and if I remember correctly, AT&T had an issue. Were any of those issues addressed or modified? This --

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Yes. And we had a discussion with AT&T and there's a memo in your packet that said that we did revise some of the language in section 1 -- 10-266, to clarify the amount of the construction bond and that it would only be replaced when it was depleted. And they were satisfied with that. So --

COUNCILPERSON THOMAS: Okay.

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: -- all their issues have -- were resolved.

COUNCILPERSON THOMAS: Okay. Thank you, ma'am. That's it.

COUNCILPERSON THOMAS: Madam Chair.

CHAIR PRO TEM PARDO: Yes, Mr. Thomas.

COUNCILPERSON THOMAS: I've had several issues with this --

CITY ATTORNEY RYAN: Me, too.

COUNCILPERSON THOMAS: -- item since the inception of it. First, do we know, Miss McKinney, if any other city has adopted any ordinance to permit these?

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Yes. I believe the City of Miramar and -- what other city? If I -- I don't --

CHAIR PRO TEM PARDO: Green Acres.

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Green Acres adopted it, yes. Green Acres.

CHAIR PRO TEM PARDO: They were --

COUNCILPERSON THOMAS: Yeah, but Green Acres kind of got blindsided --

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: They did.

COUNCILPERSON THOMAS: -- by it.

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: They did. But we -- we didn't get blindsided.

COUNCILPERSON THOMAS: Well, they were trying to blindside us.

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: They were, yes.

COUNCILPERSON THOMAS: Yeah. They -- they were. I'm not really happy about it. I also asked for, you know, a residential area, anywhere else, that they had put these ridiculous-looking poles and I've yet to get any.

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Oh.

COUNCILPERSON THOMAS: I'm -- I'm really not happy about it. I do not want Riviera Beach to be the dumping ground --

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Uh-uh.

COUNCILPERSON THOMAS: -- for these particular poles. I'm very offended because the proposed sites of their four poles happen to all be in the District 3 area, which would be right in front of Stonybrook, right in front of the Public Services building on Avenue U. And I think it was somewhere on 15th or 14th Street as well, which is right in our residential areas, put right in our right-of-ways. And it's just going to make the place look horrible. What did we do to try to get some type of clarity with that?

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: We did. We put restrictions where they would have to, number one, if they could be stealth, to be stealth, which means that you wouldn't notice them as being a pole. That would be number one. Number two is distance requirements between the poles, minimum distance requirements of 1,000 feet. We can't prohibit them from being in the right-of-way because they are protected by Federal law just like other communications facilities. But we've made it as restrictive as possible for them so that they're --

COUNCILPERSON THOMAS: Can they put it in the back of the house or -- 'cause right now they're trying to put it right in the front.

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Well, right. And we do have language in there about not being right in the front of a house.

COUNCILPERSON THOMAS: Well, I don't want it on the front of the streets, period. Can they go in the back where FP&L is or the --

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: They -- well, they could --

COUNCILPERSON THOMAS: -- phone lines are or --

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: -- they can go in the right-of-way if there's a right-of-way. Now --

COUNCILPERSON THOMAS: In the back.

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Well, it all depends if it's right-of-way. Some of the -- what FPL is in is not right-of-way. Some of it is easements. Property --

COUNCILPERSON THOMAS: I --

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: -- right, FPL easements (inaudible).

CITY MANAGER JONES: It's an easement.

COUNCILPERSON THOMAS: -- I -- I get it. I'm just not comfortable that we have enough teeth to make sure -- they're -- they're not going to care. They're going to come and throw up these poles anywhere and two or three years down the line, we're going to just be stuck with this. They're going to move on to try to degrade somebody else's community. I just don't think that we need to do this. I don't think that the time is right for it. I know that we're getting dropped calls for whatever service provider they have, but we, Riviera Beach, should not be the area, throughout Palm Beach County, that they have to fix their problems county-wide. Or -- or -- I mean, I don't see them in Boca, Delray, Boynton --

CHAIR PRO TEM PARDO: Palm Beach.

COUNCILPERSON THOMAS: -- definitely not the town of Palm Beach. Palm Beach Gardens, anywhere. And for this particular company to think that it's okay to come and litter our neighborhoods with them, where they can put them anywhere. The residents don't have a say-so if it's the right-of-way that they can put it in. So I -- I just don't think we have enough teeth in this. Can we do something to put more teeth in this so that they cannot just place these in the front of someone's house?

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Well, we made it as difficult as possible and still be in compliance with Federal law. We did do that. Our lawyer, Keith Davis, is here. He'll attest to that. We -- we all worked very hard on that because we all feel the same way. And we made it as difficult as possible in all of the residential neighborhoods, especially as far as the distance requirements are concerned.

COUNCILPERSON THOMAS: Okay. So 1,000 feet, that means that the average street is how many thousand feet? Whoever wants to answer that can --

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: It all depends on -- I mean, a -- a block is 250 -- 250, 300 feet for one block.

COUNCILPERSON THOMAS: Okay.

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Average.

COUNCILPERSON THOMAS: So it would probably be that they could only put one of these on a street.

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Uh-huh.

COUNCILPERSON THOMAS: Do they have to come to us and permit each one?

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Yes. Yes, they do.

COUNCILPERSON THOMAS: And what is the penalty or violation for not coming to us to permit each one? And who's going to monitor that?

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Well, they're -- we monitor anyone doing work without permits. But the telecommunication companies have always been pretty diligent. We've never had a problem with them not coming to get permits. They don't want to have that problem because the City could sue them. They can't just do work without permits. And it's not like a little contractor that will try to sneak a little job. They come and get their permits. So we -- we monitor them and they do come in and get them.

COUNCILPERSON THOMAS: For some reason, no other city has approved this or they have not been successful, any other city. Why is it that they're seeming to be successful in our city with this?

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Well, every city is going to end up adopting regulations and if they don't, then they'll just come in and be able to pull a permit to put in their poles. So the best thing to do is to have regulations to the best that you can have to protect yourself as much as possible. I mean, they are going to be probably in every city. They've already approached a lot of cities. They've approached the County; they've approached Palm Beach Gardens. They have -- many of them are in Broward County already -- Broward County. So they are going to be in every city. Not every city has been pro-active as we have and adopted a moratorium and then adopted regulations. But they'll probably be using our ordinance as a template for their future regulations.

COUNCILPERSON THOMAS: Well, I'm -- I'm -- I'm gonna be -- I'm gonna be honest with you. I'm not really happy about being the trailblazer with this here.

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Okay.

COUNCILPERSON THOMAS: My -- my only issue, I mean, if there's something you wanna say, by all means, say it. But my only issue is I don't think we're going to be able to control this. The fact that they get to just put these just about anywhere they want to

if it's the right-of-way is what really bothers me. And I asked. I said, "Listen, please provide me any area, anywhere that you've done this, where it's in a residential area." They couldn't. In West Palm Beach, they had it right in front of the racetrack. And to be honest with you, it wasn't really too much out of place. It was okay. You know, it -- it -- it almost blended in but that's on a major thoroughfare, 45th Street. They're looking to put these in our residential areas and that right there is what, you know, provides the issue for me. So is -- is there something you wanted to say about that?

ATTORNEY KEITH DAVIS: Yes, please.

CHAIR PRO TEM PARDO: He's our attorney.

COUNCILPERSON THOMAS: He's our attorney?

CHAIR PRO TEM PARDO: Council -- Madam Chair Pro Tem, Council and -- my name is Keith Davis. I'm the attorney that was hired by the City to help prepare this document. I guess I want to explain, right now under your current code, the City has zero protection for how these types of things can get placed in your rights-of-way, or which rights-of-way. Zero protection completely. When -- when the code that's in the City's books was written, as is the case with -- with many municipal codes, there was no such thing as wireless infrastructure that went in the right-of-way. Everybody was accustomed to the -- you know, the great big cell towers that are typically on private property. There -- there were no wireless facilities that went in your rights-of-way.

So this ordinance really is -- is at the -- at the -- the front end of trying to put regulations on the books that limit and restrict where these things can go, you know, within the framework of the Federal Telecommunications Act and State law that -- that we have to work within. So, no, it doesn't allow you to completely prohibit them but this gives you as defensible of a protection as -- as I believe is possible in -- in regulating where they can go and steering them out of the residential neighborhoods to the extent we can.

CHAIR PRO TEM PARDO: That's where all the business is.

ATTORNEY KEITH DAVIS: As Miss McKinney indicated, the City of Miramar -- and I worked -- I was hired to work with them as well. They went through a similar exercise when Crown Castle applied for permits to put these -- these poles in in some of their residential rights-of-way. So they adopted a moratorium and went through a very similar exercise that we're going through here to try and get these protections on their books. So it's not so much the providers coming in and taking advantage of the City. Quite -- quite the -- in my view, quite the opposite has happened. They have come in; they have applied for permits. The City was pro-active, adopted and enacted a moratorium and is now working to put what code we can put on the books that is defensible and that allows you as much reasonable regulation as is possible under the law.

COUNCILPERSON THOMAS: Why -- why can't we prohibit them from being in residential areas?

ATTORNEY KEITH DAVIS: Essentially, the -- the Federal Telecommunications Act, which trickles down into State law, requires that all telecommunication service providers be treated on equal footing. So --

COUNCILPERSON THOMAS: What does that mean?

ATTORNEY KEITH DAVIS: Well, it means --

COUNCILPERSON THOMAS: Because the rest of the telecommunications are in the back.

ATTORNEY KEITH DAVIS: -- you could -- you could say nobody's allowed to put anything in our rights-of-way and that would create different problems. But to the extent that you allow things in your rights-of-way, these things have to be treated in the same way. And this code speaks to -- again, as Miss McKinney indicated, speaks to how you regulate things in your -- in your rights-of-way. If there's a private easement on property where -- where -- where things have gone, you know, that -- that's a private easement between -- and I'm not sure if that's what we're talking about or not. But that would be an easement -- an agreement between the property owner and the -- whatever utility is seeking to put those facilities in place. But you --

COUNCILPERSON THOMAS: Between the property owner. So --

ATTORNEY KEITH DAVIS: Well, the easement would be on private property. This -- this --

COUNCILPERSON THOMAS: So should we have some type of agreement with FP&L and the property owner? Is that what you're saying?

ATTORNEY KEITH DAVIS: No. That's not -- what I'm saying is that --

COUNCILPERSON THOMAS: Okay.

ATTORNEY KEITH DAVIS: -- this addresses how the City's rights-of-way are managed and handled in terms of what utilities, what telecommunications utilities can go in your rights-of-way. That's what it's --

COUNCILPERSON THOMAS: So is the --

ATTORNEY KEITH DAVIS: -- about.

COUNCILPERSON THOMAS: -- is the front -- is the, like, the front of your yard -- I'm trying to figure -- you --

ATTORNEY KEITH DAVIS: Right.

COUNCILPERSON THOMAS: -- you have the sidewalk and then you have that area out front.

ATTORNEY KEITH DAVIS: That's exactly where we're talking about.

COUNCILPERSON THOMAS: Right. So that -- that right there is considered the right - the -- the right-of-way.

ATTORNEY KEITH DAVIS: That is City's -- that is the City's property. And that's the City's --

COUNCILPERSON THOMAS: I get it. But --

ATTORNEY KEITH DAVIS: -- right-of-way, that's right.

COUNCILPERSON THOMAS: -- if it's a person, like myself, who like to see their grass nice and neat and don't want anything in that right-of-way, I no longer have a choice. This company can come and say, I want to put a pole right there. I'm putting it right there whether you like it or not, right in front of your house blocking whatever view you may have. Is -- is that what you representing to me is -- to be correct?

ATTORNEY KEITH DAVIS: Under your current -- under your current code, that's exactly correct. With -- with this, we have certain regulations that -- that restrict -- that guide placement in -- in -- in a certain way that -- that --

COUNCILPERSON THOMAS: Okay. What does that mean?

ATTORNEY KEITH DAVIS: Well, it -- as Miss McKinney indicated, that, you know, they can't impede the view from a residence. They can't be right in front of a house. If - if there's a situation where there are residences, for example, on one side of the street but not the other, they have to go on the other side of the street. There's the stealth design requirement; there's the -- the separation requirements. We're putting all those things in place. You have none of that on your books right now for these things. So with -- right now, it -- it would basically be a free-for-all.

COUNCILPERSON THOMAS: Do we have in there that they have to bring back to Planning & Zoning and then to the City Council every time they want to put one in?

ATTORNEY KEITH DAVIS: It doesn't -- it's not a Planning & Zoning and City Council process. It's more a process akin to a building permit that would go through the Building Department and, I believe, the City Engineer is gonna look at it.

COUNCILPERSON THOMAS: But can we put those regulations in? See, what I don't want to happen is four or five years down the line, when nobody's paying attention to this, that they start popping up all over the place. And it's not that I don't trust them. Well, I don't trust them. So --

ATTORNEY KEITH DAVIS: Well --

COUNCILPERSON THOMAS: -- you know, that's my thing. They're in business to make money. And we have a -- a -- a lot of Metro --

ATTORNEY KEITH DAVIS: Sure.

COUNCILPERSON THOMAS: -- and Boost customers here in the City. I get it. I understand they need better reception. It's overloading in this area. I get it. My problem is that they don't care about the aesthetics. They care about getting more people on their service plans and they care about their bottom line, never mind our quality of life here. I care about our quality of life as well as I want us to have better reception to do it. I think we rushed it. I think we could've looked at this a little bit better and we're only rushing it because they want to hurry up and stop the issues from happening. But we're going to have to be living with this.

ATTORNEY KEITH DAVIS: Yeah. And I -- I guess to answer your questions, I'll kind of go backwards. I've been working with the City for -- it'll almost be a year -- it'll be a year in the Spring is when Miss Ryan first approached me about working. So we have been working on this for a while. To go back to your original question about bringing these types of things through your Planning & Zoning and then City Council hearing process, technically, you could do that. But if you do that, you'd have to do that for every telecommunications application that comes in, whether it's these wireless things; whether it's an AT&T regular wired pole.

COUNCILPERSON THOMAS: Even if they're going in the easements and not the right-of-way?

ATTORNEY KEITH DAVIS: Anything going in your right-of-way would have to come through here.

COUNCILPERSON THOMAS: But if they continue to do what they've been doing and going to the easement -- I prefer they buried the lines actually -- but if they continue to go into the -- to the back of -- in the easements, then they don't have to go through that process?

ATTORNEY KEITH DAVIS: I guess I would have to ask. Are we -- is there -- can I get some clarification on what he's --

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: If that was the case, and you took -- brought every telecommunication, it would be probably, I will say ridiculously burdensome. And you have to have criteria, standards that everyone meets, which is in there now. If a Board decided that they just didn't like it even though they met the standards, could put us in a position where we might be facing some types of lawsuit. So we have to be careful that we meet -- do we have standards, which we put in the code that they have to meet? So --

COUNCILPERSON THOMAS: I get it -- I get it.

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: It's like -- right. Every building permit.

COUNCILPERSON THOMAS: Let me -- let me ask a -- let me ask a question, though, Miss McKinney. Say, for instance, could this company not have tried to enter into some type of agreement with a -- a BellSouth or an FP&L to go on their poles?

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Well, that's one of the things we encourage is that first, you have to try to co-locate.

COUNCILPERSON THOMAS: Right.

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: So they will have to try to co-locate first. And they have to --

COUNCILPERSON THOMAS: Right. But, I mean, what's the standard of proof to that?

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Right.

COUNCILPERSON THOMAS: Because, obviously, they're going to have to pay FP&L to be on their pole. If they put up their own, they don't have to pay anybody, which increase their bottom line, but litters --

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Right.

COUNCILPERSON THOMAS: -- and I do use "litter" --

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Right. That's why we included the co-location and they have to provide documentation that that -- they couldn't do that. And one thing that we do or that any staff does is check your documentation to see: Is it accurate or not accurate? They have -- they can't -- it's very

difficult for a large company to actually lie in documentation to a City because that puts them in serious jeopardy. So they provide --

COUNCILPERSON THOMAS: I --

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: -- right, documentation.

COUNCILPERSON THOMAS: I -- I get it. I know for the next year or two years, you'll be watching that.

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Uh-huh.

COUNCILPERSON THOMAS: Everybody here will be watching it and they'll probably be on their best behavior. It's after no one's paying attention to this anymore that I'm worried about, that they'll continue to go up. Is the moratorium ended? Can we extend the moratorium and study this some more or what -- what's going on with that?

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: You can extend the moratorium. However, us studying it some more, I will tell you, isn't going to bring us to any more perfect document than we have now. We have done the absolute utmost that we could do to protect the City and to have, you know, laws in place to protect us. I mean, they could demand a permit. I mean, they could continue to demand a permit. We could only have a moratorium for so long before we could then have a problem with not having any regulations in place.

COUNCILPERSON THOMAS: I -- I -- I think can we put in the -- in the requirements that before a permit is issued, that they have to show document that they've reached out to FP&L; that they've reached out to AT&T or whoever else has poles in there? Can -- can that be in the actual --

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Right. And we do have language in there --

COUNCILPERSON THOMAS: -- process? Can --

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: -- that talks -- that they have to document that they cannot --

COUNCILPERSON THOMAS: No. I'm saying do they have to show proof --

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Right.

COUNCILPERSON THOMAS: -- that they did it? We have to see it --

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Yes.

COUNCILPERSON THOMAS: -- prior to. We have to -- I -- I -- I'm -- I get what you're saying, Miss McKinney. I really do. And I understand. And you know I highly respect your thought process on this. But what I'm saying is, even after you, I and every member of this Board is -- is gone, I don't want this stuff popping up. I don't want it popping up. And, obviously, they think Riviera Beach is a lame duck. That's why they're here. That's why they haven't pushed it in any other city the way that they have. People want to make sure that they do not litter their areas. They can actually put this into the front of your house, anywhere in that -- in that right-of-way is how it's reading now. So that little pallet of grass or that little area between your sidewalk and the road, they can put that anywhere. And I don't believe that they're going to have the standards of care that the rest of us would have being in our own home.

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Okay.

COUNCILPERSON THOMAS: So that's all I'm trying to do. I'm trying to make sure that we're able to do that. Can we put in more preparations to know? Can the homeowner have a say-so when it's going adjacent to their property, in front of their property? Can we look at all of those issues so that they don't think that, Well, it's not blocking your view. But from the homeowner saying, Hey, look. Well, it's blocking my view, you know, at that point. At this, the -- the homeowner doesn't have a say-so. It's the people who don't live here that just want to make money off of placing the poles. So is there any -- any way that we can do that? Is there any way that we can add that regulation in? Is there any way we can add a process in to just better protect the homeowner?

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: We do have language in there now that protects the homeowner from it being right in front of their house. We could probably add language that the homeowner has to be notified by both the City and the telecommunication provider that this has been proposed. And then -- then they could provide comments to the City within a certain amount of time. And then evaluate it some more from there. We could put that language in.

COUNCILPERSON THOMAS: Oh -- okay. So can we maybe table this and let you guys go back and work on that and bring it back to us so we can see exactly what it's going to say?

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Either that or you could approve it with us putting -- knowing we're going to put the language in there. That's up to you.

COUNCILPERSON THOMAS: Well, I -- you know, I -- I -- I trust you, Miss McKinney. But I -- you know, I got these trust issues that I just want to read it in black and white.

CHAIR PRO TEM PARDO: Right.

COUNCILPERSON THOMAS: If that's okay. I mean, I -- I do trust, but, you know, of course, it's up to the Board.

COUNCILPERSON THOMAS: Madam Chair.

COUNCILPERSON THOMAS: But I would much rather see it in writing before we --

COMMUNITY DEVELOPMENT DIRECTOR MCKINNEY: Okay. If you want to do that, we can do that.

COUNCILPERSON THOMAS: Madam Chair.

CHAIR PRO TEM PARDO: Mr. Davis.

COUNCILPERSON THOMAS: I make a motion to table this item to the next meeting.

CHAIR PRO TEM PARDO: Okay. Do we have a second?

COUNCILPERSON THOMAS: Second. Absolutely.

CHAIR PRO TEM PARDO: All right. Any comments? Madam Clerk?

INTERIM CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON THOMAS: Yes.

INTERIM CITY CLERK ANTHONY: Councilperson Davis?

COUNCILPERSON THOMAS: Yes.

INTERIM CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

INTERIM CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

INTERIM CITY CLERK ANTHONY: Unanimous vote.

CHAIR PRO TEM PARDO: Okay. Thank you. Item 15.

15. ORDINANCE NO. 4055 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 12, "OFFENSES – MISCELLANEOUS"; BY ENACTING ARTICLE V, "PANHANDLING", TO PROMULGATE REGULATIONS REGARDING