



**REGULAR CITY COUNCIL MEETING
AGENDA
MARINA EVENT CENTER - 190 E. 13TH STREET
RIVIERA BEACH, FL 33404
August 18, 2021
6:00 PM**

NOTICE

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THE PROCEEDINGS SHALL CONTACT THE OFFICE OF THE CITY MANAGER AT 561-812-6590 NO LATER THAN 96 HOURS PRIOR TO THE PROCEEDINGS; IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICES 1-800-955-8771 (TDD) OR 1-800-955-8770 (VOICE) FOR ASSISTANCE.

MAYOR

RONNIE L. FELDER

CHAIRPERSON

SHIRLEY D. LANIER - DISTRICT 3

CHAIR PRO-TEM

KASHAMBA MILLER-ANDERSON - DISTRICT 2

COUNCILPERSONS

TRADRICK MCCOY - DISTRICT 1

DOUGLAS A. LAWSON - DISTRICT 5

JULIA A. BOTEL - DISTRICT 4

ADMINISTRATION

CITY MANAGER, JONATHAN EVANS

CLAUDENE L. ANTHONY, CMC, CITY CLERK

DAWN S. WYNN, CITY ATTORNEY

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the City Council with respect to any matter considered at this meeting, such interested person, at own expense, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105.

BE FURTHER ADVISED, the meeting location is subject to change. The public is encouraged to visit the City's website for up to date information on meeting location and information.

LOBBYING - ORDINANCE 4001 - ADOPTED SEPTEMBER 2011

Lobbyist registration and reporting forms are available for you online and in print. Forms can be obtained in the Office of the City Clerk and Council Chambers. Registration and reporting forms shall be submitted to the Office of the City Clerk.

ANY PERSON WHO WOULD LIKE TO SPEAK ON AN AGENDA ITEM PLEASE COMPLETE A PINK PUBLIC COMMENT CARD LOCATED AT THE FRONT DESK AND GIVE IT TO THE STAFF PRIOR TO THE ITEM BEING TAKEN UP BY CITY COUNCIL FOR DISCUSSION. MEMBERS OF THE PUBLIC WILL BE GIVEN A TOTAL OF THREE (3) MINUTES TO SPEAK ON ALL ITEMS LISTED ON THE CONSENT AGENDA AND THREE (3) MINUTES TO SPEAK ON EACH REGULAR AGENDA ITEM. THE TIME LIMIT FOR PUBLIC COMMENT MAY BE REDUCED BY A VOTE OF THE CITY COUNCIL BASED ON THE VOLUMINOUS NATURE OF PUBLIC COMMENT CARDS. IN NO EVENT WILL ANYONE BE ALLOWED TO SUBMIT A COMMENT CARD TO SPEAK ON AN AGENDA ITEM AFTER THE RESOLUTION IS READ OR ITEM CONSIDERED.

CALL TO ORDER

Roll Call

Invocation

Pledge of Allegiance

AGENDA Approval

Additions, Deletions, Substitutions

Disclosures

Adoption of Agenda

Comments From the Public on Consent Agenda (Three Minutes Limitation)

CONSENT AGENDA

ALL MATTERS LISTED UNDER THIS ITEM ARE CONSIDERED TO BE ROUTINE AND ACTION WILL BE TAKEN BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A 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. JULY 21, 2021 CITY COUNCIL MEETING MINUTES

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

RESOLUTIONS

- 2. RESOLUTION NUMBER 90-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT OF THE WORKERS' COMPENSATION CLAIMS OF LOUIS KANITSCH V. CITY OF RIVIERA BEACH, OJCC CLAIM NOS.: 20-029618CJS AND 20-029620CJS; AUTHORIZING GALLAGHER BASSETT SERVICES, INC. TO MAKE PAYMENT IN THE AMOUNT OF THIRTY THOUSAND DOLLARS (\$30,000) AS FULL AND COMPLETE SETTLEMENT OF BOTH CLAIMS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

- 3. RESOLUTION NO. 84-21 RESOLUTION NO. 84-21A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING SITE PLAN APPLICATION (SP-20-26) FROM SALT POND PROPERTY, TO OPERATE A CHILD CARE FACILITY (58 CHILDREN) OCCUPYING PORTIONS OF AN EXISTING 9,609 SQUARE FEET (SF) BUILDING, WITH APPROXIMATELY 3,886 SF IN BUILDING AREA DESIGNATED FOR THE CHILD CARE USE AND APPROXIMATELY 3,013 SF DESIGNATED FOR OUTDOOR PLAY AREA, ON A 0.89-ACRE PARCEL OF LAND, LOCATED ON THE NORTHWEST CORNER OF AVENUE E AND W. 14TH STREET, WITH POSTAL ADDRESS 1401 AVENUE E, IDENTIFIED BY PARCEL CONTROL NUMBER 56-43-42-33-04-003-0011, HAVING A DOWNTOWN MIXED USE (DMU) FUTURE LAND USE DESIGNATION AND A DOWNTOWN GENERAL (DG) ZONING DESIGNATION, PROVIDING FOR CONDITIONS OF APPROVAL, AND PROVIDING FOR AN EFFECTIVE DATE.**

CLARENCE SIRMONS, DIRECTOR OF DEVELOPMENTAL SERVICES, 561-845-4060

COMMUNITY BENEFITS REQUESTS ON CONSENT

4. WASTE MANAGEMENT COMMUNITY BENEFITS REQUEST FOR \$1,500.00 TO FAITH DELIVERANCE CHURCH OF GOD, INC. FROM THE OFFICE OF COUNCILMAN TRADRICK MCCOY

END OF CONSENT AGENDA

UNFINISHED BUSINESS

PETITIONS AND COMMUNICATIONS FOR FILING

AWARDS AND PRESENTATIONS

5. PROCLAMATION FROM THE OFFICE OF THE MAYOR DECLARING THE FIRST WEDNESDAY OF SEPTEMBER AS COMMUNITY SERVICE DAY AT FAITH DELIVERANCE CHURCH AND FEEDING HOPE VILLAGE.
6. 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

PUBLIC HEARINGS

ORDINANCES ON SECOND AND FINAL READING

7. ORDINANCE NO. 4177 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES ENTITLED "ELECTIONS", SECTION 5-2(a) ENTITLED "FILING AND QUALIFICATION OF CANDIDATES FOR MAYORAL AND COUNCIL", PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

ORDINANCES ON FIRST READING

8. ORDINANCE NO. 4175 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM

BEACH COUNTY, FLORIDA, AMENDING CHAPTER 25 OF THE CITY'S CODE OF ORDINANCES ENTITLED "FLOODPLAIN MANAGEMENT", IN ORDER TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; TO PROVIDE CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; TO REPEAL CHAPTER 25 EXHIBIT A; PROVIDING FOR APPLICABILITY, REPEAL OF LAWS IN CONFLICT, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

CLARENCE SIRMONS, DIRECTOR OF
DEVELOPMENTAL SERVICES, 561-845-4060

9. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CITY'S CODE OF ORDINANCES ENTITLED, "ZONING", ARTICLE 1, "IN GENERAL", SECTION 31-1, "DEFINITIONS", BY AMENDING THE DEFINITION OF "HEIGHT OF BUILDING" TO READ "HEIGHT OF BUILDING MEANS THE VERTICAL DISTANCE MEASURED FROM THE MINIMUM REQUIRED FLOOR OR 18 INCHES ABOVE THE CROWN OF THE ROAD TO (A) THE HIGHEST POINT OF A FLAT ROOF; (B) THE DECK LINE OF A MANSARD ROOF; (C) THE AVERAGE HEIGHT BETWEEN EAVES AND RIDGE FOR GABLE, HIP, AND GAMBREL ROOFS; OR (D) THE AVERAGE HEIGHT BETWEEN HIGH AND LOW POINTS FOR A SHED ROOF. PARAPET WALLS INTENDED TO PROVIDE SCREENING FOR ROOFTOP MECHANICALS MAY EXTEND NOT MORE THAN 5 FEET ABOVE THE ALLOWABLE HEIGHT OF A BUILDING."; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

CLARENCE SIRMONS, DIRECTOR OF
DEVELOPMENTAL SERVICES, 561-845-4060

COMMENTS FROM THE PUBLIC - 7:30 PM Non-Agenda Item Speakers (Three Minute Limitation)

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.

ITEMS TABLED

REGULAR

10. RESOLUTION NO. 83-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING PLAT APPLICATION (PA-20-02) FROM THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY (CRA), TO COMBINE THREE CONTIGUOUS LOTS OF RECORD INTO ONE LOT TOTALING APPROXIMATELY 0.45-ACRE IN LAND AREA, FOR THE REAL PROPERTY LOCATED AT 200 WEST BLUE HERON BOULEVARD, ASSOCIATED WITH PARCEL CONTROL NUMBER 56-43-42-28-04-006-0220; HAVING A DOWNTOWN MIXED USE FUTURE LAND USE DESIGNATION AND A DOWNTOWN GENERAL (DG) ZONING DESIGNATION; PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING FOR AN EFFECTIVE DATE.

CLARENCE SIRMONS, DIRECTOR OF
DEVELOPMENTAL SERVICES, 561-845-4060

DISCUSSION AND DELIBERATION

11. DISCUSSION ON REVISING THE COMPOSITION OF THE CITY'S CANVASSING BOARD .

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

DISCUSSION BY CITY MANAGER

DISCUSSION BY CITY ATTORNEY

CITY COUNCIL COMMITTEE REPORTS

STATEMENTS BY THE MAYOR AND CITY COUNCIL

ADJOURNMENT

**CITY OF RIVIERA BEACH CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 8/18/2021

Agenda Category: CONSENT

Subject: JULY 21, 2021 CITY COUNCIL MEETING MINUTES

Recommendation/Motion: STAFF RECOMMENDS THE APPROVAL OF THE JULY 21, 2021 CITY COUNCIL MEETING MINUTES

Originating Dept	OFFICE OF THE CITY CLERK	Costs
User Dept.	ALL	Funding Source
Advertised	No	Budget Account Number
Date		
Paper		
Affected Parties	Not Required	

Background/Summary:

Fiscal Years
Capital Expenditures
Operating Costs
External Revenues
Program Income (city)
In-kind Match (city)
Net Fiscal Impact
NO. Additional FTE Positions
(cumulative)

III. Review Comments

A. Finance Department Comments:

B. Purchasing/Intergovernmental Relations/Grants Comments:

C. Department Director Review:

Contract Start Date

Contract End Date

Renewal Start Date

Renewal End Date

Number of 12 month terms this renewal

Dollar Amount

Contractor Company Name

Contractor Contact

Contractor Address

Contractor Phone Number

Contractor Email

Type of Contract

Describe

ATTACHMENTS:

File Name	Description	Upload Date	Type
21JUL21.docx	JULY 21, 2021 CITY COUNCIL MEETING MINUTES	8/4/2021	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Robinson, Claudene	Approved	8/4/2021 - 1:19 PM

CITY OF RIVIERA BEACH
REGULAR CITY COUNCIL MEETING
July 21, 2021
6:00 p.m.

PRESENT AT MEETING¹:

MAYOR RONNIE FELDER	MAYOR FELDER
CHAIRPERSON SHIRLEY D. LANIER, DISTRICT 1	CHAIRPERSON 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. ANTHONY	CITY CLERK ANTHONY
CITY ATTORNEY DAWN S. WYNN	CITY ATTORNEY WYNN

TRANSCRIBED BY:

Legal Transcription On Call
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Lake Worth, FL 33467
(561) 429-3816
(561) 584-5044 (fax)

¹ List of City Employees, Public Speakers and Others on Page 131

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
MINUTES OF THE CITY COUNCIL MEETING
HELD JULY 21, 2021, 6:00 p.m.**

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

CALL TO ORDER

Chairperson Lanier: Good afternoon. We will call the Regular City Council meeting to order. July 21, 2021. 6:04 p.m.

ROLL CALL

Chairperson Lanier: Madam Clerk, roll call, please.

City Clerk Anthony: Mayor Ronnie Felder? [Pause]. Madam Chair, Members of the Board, I believe Mayor Felder will be appearing by telephone this evening. I'm not for sure if he's on. [Pause]. So, I'll proceed with the roll call.

Chairperson Lanier: Yes. Go ahead.

City Clerk Anthony: Chairperson Shirley Lanier?

Chairperson Lanier: Here.

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

Cahir Pro Tem Miller-Anderson: Present.

City Clerk Anthony: Councilperson Tradrick McCoy?

Councilperson McCoy: Here.

City Clerk Anthony: Councilperson Julia Botel?

Councilperson Botel: Here.

City Clerk Anthony: Councilperson Douglas Lawson?

Councilperson Lawson: Here.

City Clerk Anthony: City Manager Jonathan Evans?

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.

Chairperson Lanier: Thank you.

INVOCATION

PLEDGE OF ALLEGIANCE

Chairperson Lanier: Do we any additions or deletions or substitutions for the Agenda?

Mayor Felder: I'm, I'm here.

Chairperson Lanier: Alright. You're acknowledge, Mayor.

[Inaudible] comment]

City Clerk Anthony: Madam Chair, we need to do the moment of silence and Pledge...

Chairperson Lanier: Oh.

City Clerk Anthony: ...of Allegiance...

Chairperson Lanier: Yeah.

City Clerk Anthony: ...prior to.

Chairperson Lanier: [Chuckle]. Alright. Let us have a moment of silence. And let us have the Pledge of Allegiance by Councilwoman KaShamba Miller-Anderson.

[Moment of silence]

Cahir 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: Agenda deletions, additions or substitutions, Manager, Mayor, Council?

Councilperson McCoy: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson McCoy: I would like to offer a motion to reconsider Resolution 66-21, Memorandum of Understanding with the Boys & Girls Club of Palm Beach County, when the time is appropriate. And to be...

Chair Pro Tem Miller-Anderson: Madam Chair?

Councilperson McCoy: ...added...

Cahir Pro Tem Miller-Anderson: We can't hear...

Councilperson McCoy: To.., and to be added to the Agenda for the motion for reconsideration.

Chairperson Lanier: What.., is that, is that an Item?

Councilperson McCoy: No. It was the Item that we took up at the first Council meeting of the year. I'm sorry, of the month, the Resolution authorizing the Memorandum of Understanding with City and the Boys & Girl Club of Palm Beach County.

Chairperson Lanier: Okay. So you want to add it to this Agenda?

Councilperson McCoy: I would have to.., it'll have to be readed by a motion.

Chairperson Lanier: Okay. You make that...

Councilperson McCoy: For conssid'...

Chairperson Lanier: ...motion?

Councilperson McCoy: I, I certainly don't have a problem with it, but I, you know, I wanted to allow the other additions to be added because this has to be added by a motion that has to be approved. So, if you wanna go to those other additions, then we can take a motion later.

Chairperson Lanier: Okay. We can come back for that.

Councilperson Botel: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson Botel: I have five community benefits on Consent Agenda to be added. You have copies...

Chairperson Lanier: You want to...

Councilperson Botel: You have copies at your, at your places. Lake Worth Waterkeepers, Youth Recreation Association, Nelson's Outreach Ministries, Operation Hope and One Third Eye Educational Hospital.

Cahir Pro Tem Miller-Anderson: You gotta say what it's for.

Chairperson Lanier: Yeah. You gotta say each one of those Items...

Councilperson Botel: Oh [inaudible].

Chairperson Lanier: ...and then amounts.

City Clerk Anthony: Madam Chair, Members of the Board, I can read the...

Chairperson Lanier: Oh, she...

City Clerk Anthony: ...community benefits...

Chairperson Lanier: Alright. Go ahead.

City Clerk Anthony: ...into the record.

We have five community benefits from the Office of Councilperson Botel. Item 10A will be a community benefit to Nelson Outreach Ministries for a Thanksgiving and Christmas celebration in the amount of \$500. Item 10B, from the Office of Councilperson Botel, organization is Fathers Forever, for their Our Third Eye Educational Hospital in the amount of... Councilperson Botel, the request is for \$1,500 but on the next page there is no amount indicated. So, is the amount for \$1,500?

Councilperson Botel: No. I think the amount is \$500.

City Clerk Anthony: \$500? Okay. In the amount of \$500 for that community benefit request. 10C, request from Youth Recreation Association, from the Office of Dr. Botel... Is that \$500 as well, Dr. Botel? 'Cause there's...

Councilperson Botel: Yes.

City Clerk Anthony: ...nothing on the back sheet.

Councilperson Botel: I'm so sorry.

City Clerk Anthony: The request originally was for \$1,000 but...

Councilperson Botel: I see it.

City Clerk Anthony: I'll go on to the next one while you confirm that, Dr. Botel? Item 10D, the request from Operation Hope Thanksgiving giveaway, in the amount of \$500. Item 10E, a request from Lake Worth Waterkeeper's, Inc., from the Office of Councilperson Botel, in the amount of \$500.

Councilperson Botel: Thank you.

Cahir Pro Tem Miller-Anderson: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Cahir Pro Tem Miller-Anderson: For the..., I know the others we've given money to before, but for the Lake Worth Waterkeeper, Inc., I've never..., I don't think we've ever given any money to them, so does this need to go through the process, Mr. Sherman, I would think? Maybe he can answer that, or Mr. Evans.

City Manager: Evans: Yes, Madam Chair. If it's not an entity that has been previously approved by the Board, the funds will not be remitted until it is authorized by this Board and then re'..., gone..., reviewed through the Finance Department, for the release of funds.

Cahir Pro Tem Miller-Anderson: So..., but are we going to be voting to accept it tonight, or should this one be held off?

City Manager: Evans: The Board can authorize to accept it with those conditions.

Cahir Pro Tem Miller-Anderson: Okay. Alright.

Councilperson Botel: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson Botel: I can provide some background on the organization if you'd like. But...

Cahir Pro Tem Miller-Anderson: I didn't hear [inaudible].

Chairperson Lanier: She just wants [stammer] to provide some background.

Cahir Pro Tem Miller-Anderson: Oh, [inaudible].

Councilperson Botel: Okay.

Chairperson Lanier: Okay.

City Clerk Anthony: Madam Chair, Members of the Board, can Councilperson Botel confirm whether or not the amount for Fathers Forever is \$500?

Councilperson Botel: Yes, it is.

City Clerk Anthony: Thank you. And that's Item 10B, Madam Chair, Members of the Board.

Chairperson Lanier: Okay. Very sell. Are there any other additions or deletions or substitutions for this Agenda you see before you this evening? [Pause].

Councilman McCoy, you wanted to entertain a motion?

Councilperson McCoy: Yes, Madam Chair. Yeah. I move that we reconsider Resolution No. 66-21, which is the Resolution authorizing the Memorandum of Understanding between the City of Riviera Beach and the Boys & Girl Club of Palm Beach County to be res'.., reconsidered at a later date. But I do wanted to have that moved at this time, Madam Chair.

Councilperson Botel: Madam Chair?

Chairperson Lanier: Yes.

Councilperson Botel: So, you want to make it known that...

Chairperson Lanier: I need to get...

Councilperson Botel: ...you'd like to...

Chairperson Lanier: ...a second first.

Councilperson Botel: Oh. I'll, I'll second. Sorry.

Chairperson Lanier: Alright. Very good.

Councilperson Botel: Thank you. So, to clarify, you don't wanna discuss it tonight. You want to be sure that it can be put on a subsequent Agenda? [Pause]. Right. Okay. Then I second, yes.

Chairperson Lanier: Very good.

Any other discussion about this motion added for this Agenda Item, to be added at the next meeting, sir?

Councilperson McCoy: Well, no. We have to reconsider it to put it back...

Unk.: Right.

Councilperson McCoy: ...on this Agenda.

Chairperson Lanier: Okay.

Councilperson McCoy: And then I'm gonna, I guess, offer another motion just to postpone it indefinitely. Because I had a conversation with Mr. Evans, and he indicated that Staff will be able to bring a more comprehensive presentation back at one of our next meetings.

Chairperson Lanier: Very good.

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson Lawson: So, for clarity sake, we're looking to bring this back before the Board to..., to do what exactly?

Councilperson McCoy: I wanted to revisit... Well, I, I guess, we can't discuss that until we bring it back properly on the...

Chairperson Lanier: Yes.

Councilperson McCoy: ...table to reconsider. So, after the roll call, I don't mind explaining it. So, after the roll call, just...

Cahir Pro Tem Miller-Anderson: Well...

Councilperson McCoy: ...to consider it, I...

Councilperson Lawson: Okay.

Councilperson McCoy: ...don't mind.

Cahir Pro Tem Miller-Anderson: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Cahir Pro Tem Miller-Anderson: Can we just put it under discussion and deliberation at the end, and then we can have that discussion then?

Councilperson McCoy: That's fine.

Cahir Pro Tem Miller-Anderson: So, make it 19?

Councilperson McCoy: But, but, but...

Councilperson Botel: [Inaudible]...

Councilperson McCoy: ...it's only gonna be to discuss why I think we should...

Cahir Pro Tem Miller-Anderson: Okay.

Councilperson McCoy: ...reconsider...

Chairperson Lanier: Think about it.

Councilperson McCoy: ...it. But we have to reactivate it...

Cahir Pro Tem Miller-Anderson: Okay.

Councilperson McCoy: ...authorizing...

Councilperson Botel: By a vote.

Councilperson McCoy: ...this vote. I think Mr. Evans is trying to get your attention, Madam Chair.

Chairperson Lanier: Alright. Go ahead, sir.

City Manager: Evans: Madam Chair, also, Staff is asking for the pre-disparity study update to be moved forward under presentations, as the consultant that we have secured for this process have another engagement that they will jump off the call. So, they are attending the..., a remote meeting platform. So, we're asking for that Item to be reconsidered and placed under presentations.

Chairperson Lanier: Madam Clerk, could you please make note of that? To put pre-disparity update with consultants under Item No. 11 for awards and presentations?

Councilperson McCoy: Madam...

City Clerk Anthony: Thank you, Madam Chair. Madam Chair, Members of the Board, there is a motion of..., on the floor that needs to be disposed of.

Chairperson Lanier: Very good. Madam Clerk, call the question.

City Clerk Anthony: State that again.

Chairperson Lanier: Call the question, please.

City Clerk Anthony: Okay. Councilperson Lawson?

Councilperson Lawson: No.

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: Yes.

City Clerk Anthony: Councilperson Botel?

Councilperson Botel: Yes.

City Clerk Anthony: Pro Tem Miller-Anderson?

Cahir Pro Tem Miller-Anderson: Yes.

City Clerk Anthony: Chair Lanier?

Chairperson Lanier: Yes.

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

My apologies, Madam Chair. Would you like me to do it tonight?

Chairperson Lanier: Yes. I wanted you to bring Item No. 18 under Item No. 11, under awards and presentations.

City Manager: Evans: Madam Chair, if I may?

Chairperson Lanier: Yes. Go ahead, sir.

City Manager: Evans: We just received information from the consultants that their schedule has been modified, and they're actually gonna be able to attend the meeting later on in the evening. So, there is no need to move the, the Item at this particular moment.

Chairperson Lanier: Very good. We'll leave it as it is. Alright.

[Inaudible dais comments]

Chairperson Lanier: So, do we have any other additions, deletions, substitutions for this July 21st Agenda? [Pause]. Excellent.

ADOPTION OF AGENDA

Chairperson Lanier: Can I get a motion to approve the Agenda with the additions, substitutions and deletions?

Councilperson Botel: So moved.

Councilperson McCoy: Second.

Chairperson Lanier: Madam Clerk.

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: Yes.

City Clerk Anthony: Councilperson Botel?

Councilperson Botel: Yes.

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: Yes.

City Clerk Anthony: Pro Tem Miller-Anderson?

Cahir Pro Tem Miller-Anderson: Yes.

City Clerk Anthony: Chair Lanier?

Chairperson Lanier: Yes.

City Clerk Anthony: That motion is approved unanimously.

Chairperson Lanier: Motion approved?

Councilperson Botel: Yes.

DISCLOSURES

Chairperson Lanier: Let us go to our next Item on the Agenda, which is the...

Councilperson Botel: Consent.

Chairperson Lanier: Cons'... Disclosures by the Council.

Councilperson Botel: Oh, sorry.

Chairperson Lanier: There are Items on this Agenda this evening that we have presentation from the public and maybe comments from the Council. Are there any disclosures from Board at this time, for any of these Items on the Agenda this evening?

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson Lawson: I wanted to give disclosures that I'm a member of Phi Beta Sigma Fraternity, Incorporated, and they are on the Agenda as a community benefit and presenting tonight.

Second disclosure is that I have previously met before our RFP was issued, with Waste Management and will Goodes. I wanna put those on the record as well.

Thank you, Madam Chair.

Chairperson Lanier: Thank you.

Any other disclosures? [Pause]. Very good.

CONSENT AGENDA

Chairperson Lanier: Let us move to the Consent Agenda.

Chairperson Lanier: ALL MATTERS LISTED UNDER THIS ITEM ARE CONSIDERED TO BE ROUTINE AND ACTIONS 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. MAY 19, 2021 CITY COUNCIL MEETING MINUTES
2. JUNE 2, 2021 CITY COUNCIL MEETING MINUTES
3. JUNE 23, 2021 CITY COUNCIL MEETING MINUTES

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

RESOLUTIONS

4.. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY FLORIDA APPROVING THE MEMORANDUM OF UNDERSTANDING WITH THE NATIONAL RECREATION AND PARKS ASSOCIATION; AND PROVIDING AN EFFECTIVE DATE.

RICHARD BLANKENSHIP, PARKS & RECREATION DIRECTOR, 561-845-4070

COMMUNITY BENEFITS

6. ALPHA EDUCATIONAL FOUNDATION, INC. - \$500 - COUNCILPERSON DOUGLAS A. LAWSON TO DEFRAY COST ASSOCIATED WITH YOUTH MENTORING PROGRAM, AND EXPOSING YOUTH TO VARIOUS SOCIAL, EDUCATIONAL, AND CULTURAL ACTIVITIES.

7. KAPPA UPSILON CHAPTER OF OMEGA PSI PHI FRATERNITY, INC. - \$500 - COUNCILPERSON DOUGLAS A. LAWSON TO DEFRAY COST ASSOCIATED WITH YOUTH MENTORING PROGRAM, AND EXPOSE YOUTH TO VARIOUS SOCIAL, EDUCATIONAL, AND CULTURAL ACTIVITIES.

8. S.T.A.A.Y, INC. (SAVING AFRICAN AMERICAN YOUTH, INC.). - \$500 - COUNCILPERSON DOUGLAS A. LAWSON TO DEFRAID COST ASSOCIATED WITH MALE YOUTH MENTORING PROGRAM, AND EXPOSE YOUTH TO VARIOUS SOCIAL, EDUCATIONAL, AND CULTURAL ACTIVITIES.

9. PHI BETA SIGMA FRATERNITY, INC. - \$1000 - COUNCILPERSON DOUGLAS A. LAWSON TO DEFRAID COST ASSOCIATED WITH YOUTH MENTORING PROGRAM, AND EXPOSE YOUTH TO VARIOUS SOCIAL, EDUCATIONAL, AND CULTURAL ACTIVITIES.

10: RIVIERA BEACH CARES HOMELESS COALITION FOR FAMILIES, INC. - \$500 - COUNCILPERSON DOUGLAS A. LAWSON TO DEFRAID COST ASSOCIATED WITH PROVIDING EMERGENCY SHELTER FOR RIVIERA BEACH FAMILIES AND ADDITIONAL WRAP AROUND SUPPORT SERVICES.

Chairperson Lanier: Is there anyone on the Board that wants to pull an Item from this Agenda to be discussed further?

Councilperson McCoy: Madam Cahir?

Chairperson Lanier: Yes. Go ahead.

Councilperson McCoy: I would request No. 5 to be pulled from Consent.

Chairperson Lanier: Okay.

Councilperson McCoy: And, solely for the purposes I just.., I, you know, unless other Members need it, I don't need a presentation. I just don't wanna support affirmatively, that Item.

Chairperson Lanier: Okay. Very good.

Can we get a motion to approve this Agenda, minus Item No. 5?

Councilperson Lawson: Motion...

Councilperson Botel: Motion to approve...

Councilperson Lawson: ...to approve...

Councilperson Botel: ...the Agenda...

Councilperson McCoy: Motion to approve Consent.

Chairperson Lanier: Consent Agenda.

Councilperson Botel: Consent Agenda

Councilperson Lawson: Second.

Chairperson Lanier: Madam Clerk.

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

Bonnie Larson.

Chairperson Lanier: Very good. Public comment.

Ms. B. Larson: Bonnie Larson. Good evening everyone

This week we have three sets of Minutes for you to approve, and this has happened before. In another meeting several weeks ago, which I wasn't here, but there were six sets of Minutes. This is ridiculous. You can't go back and recreate six weeks worth of stuff.

We need to have these Minutes every single week. Now, I asked a long time ago, I asked for the, for the contract for who does the Minutes. I was told by somebody it was somebody in the Keys. I was told all kinds of things. But, the bottom line, I told.., I was told we can't find the contract. No. We need to have that contract. We need to see what it is and we need to insist that the Minutes come the following week. This is ridiculous. This week you have three. A couple weeks ago, you had six.

Community benefits. Something I'd like to talk about, about that. And I'm not picking on anybody in particular, but is money that comes from Waste Management, who we may or may not continue, we don't know. But, it's our money. We pay Waste Management, and then they give each one of you money to spend.

Now, a lot of these things that we're spending on, we never even heard of these people. So, my request is that from now on, we spend that FI'.., excuse me, Waste Management money on something in Riviera Beach. Something that's gonna benefit the citizens. We need lights, we need speed bumps. We need all kinds of things in the City.

And we pay this money to Waste Management so it is kind of our money. I'd like to see it go to benefit all of us, rather than some groups. And some of the groups, you know, they have people from West Palm Beach and other cities. I don't see anybody donating to Riviera Beach.

So, that's my request, is that you consider doing that, and spend it on something here in the City.

I think I have... [Pause]. Oh, I think this is some... There was something about..., stop me if this is not in the Cons'.., well, okay. I don't know if it's Consent or not.

Thank you.

Chairperson Lanier: Thank you, Ms. Larson.

Madam Clerk.

City Clerk Anthony: Councilperson Botel?

Councilperson Botel: Yes.

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: Yes.

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: Yes.

City Clerk Anthony: Pro Tem Miller-Anderson?

Cahir Pro Tem Miller-Anderson: Yes.

City Clerk Anthony: Chair Lanier?

Chairperson Lanier: Yes.

City Clerk Anthony: Unanimous vote.

END OF CONSENT

5. Chairperson Lanier: Item No. 5. Mr. Evans.

City Clerk Anthony: Madam Chair, Member of the Board, I need to read the [stammer] heading of the Resolution into the record.

Chairperson Lanier: Go ahead.

City Clerk Anthony: **RESOLUTION NUMBER 75-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PAYMENT OF INVOICE # 1120-1353 to AFR ENVIRONMENTAL CORP IN THE AMOUNT OF \$45,100 FOR MOLD AND MOISTURE DAMAGE REMEDIATION IN/RECONSTRUCTION/REBUILD OF THE POLICE EVIDENCE ROOM AT CITY HALL AND PROVIDING AN EFFECTIVE DATE.**

EUREKA YOUNG, ACTING DIRECTOR OF HUMAN RESOURCE, 561-8480-4880

Chairperson Lanier: Thank you. Mr. Evans.

City Manager: Evans: Madam Chair and Members...

Cahir Pro Tem Miller-Anderson: [Mo'..., Motion...

City Manager: Evans: ...of the Board, Staff is seeking approval of the Resolution...

Cahir Pro Tem Miller-Anderson: [Inaudible].

City Manager: Evans: ...that's in front of you this evening. The intent behind this Resolution is to pay for services rendered between the period of October 29th and December 4th. The reason that this...

Chairperson Lanier: Mr. Evans, hold up one second. Let me get a motion to approve that...

Councilperson Botel: Mo'...

Chairperson Lanier: ...before we go any further with the discussion.

Cahir Pro Tem Miller-Anderson: I move we approve Resolution No. 75-21.

Councilperson Botel: Second.

Chairperson Lanier: Very good. Mr. Evans.

City Manager: Evans: The reason that this Item is coming before you this evening is that, when Staff got the invoice, we did some cursory review to determine if the appropriate Procurement policies and procedures, related to securing services, were followed. And that did not occur.

What was happening is, the existing vendor that's requesting payment, AFR Environmental, was doing work on Fire Station 87. Staff was informed that there was water intrusion in the evidence room at the Riviera Beach Police Department. Staff then got the quote from the provide and the provider commenced work.

We have started to get letters from the vendor requesting payment. Services have been rendered. The report has been finalized, and the issue has been resolved. The employee that facilitated the transaction is no longer with the agency, and we are asking for payment to move forward with this particular expenditure, as it falls well outside of the Prompt Payment Act, and we want to be in compliance.

So, Staff is asking for authorization to issue payment in the amount of \$45,100. And we have received notice from their attorney requesting payment, to the City of Riviera Beach.

Staff is prepared to answer any additional questions the Board may have.

Chairperson Lanier: Any questions from the Board in regards to this Item? [Pause]. Very good. Madam Clerk.

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: Yes.

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: No.

City Clerk Anthony: Councilperson Botel?

Councilperson Botel: Yes.

City Clerk Anthony: Pro Tem Miller-Anderson?

Cahir 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: We are at the end of our Consent Agenda.

UNFINISHED BUSINESS

PETITIONS AND COMMUNICATIONS FOR FILING

AWARDS AND PRESENTATIONS

Chairperson Lanier: The next Item is the awards and presentations. Madam Clerk?

11. City Clerk Anthony: PRESENTATION OF GREEK ORGANIZATIONS YOUTH AUXILIARY GROUPS AND PROGRAMS OFFERED- FROM THE OFFICE OF COUNCILMAN DOUGLAS LAWSON.

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

Chairperson Lanier: Presentation. Councilman Lawson.

Councilperson Lawson: Thank you, Madam Chair.

Colleagues, today we're gonna discuss some of the community benefits that was actually presented. To address one of our speakers that said these are organizations we haven't heard of, I wanted to make sure that these organizations were well represented and presented tonight, and discussed. Because these are organizations that are near and dear to, not only my heart, but many people that have gone through colleg'.., through the collegiate arena of seeing these Greeks, where we have the Kappa's, the Ques, the, the Sigma's, the Zeta's, the Delta's. These are things that we, as kids, learned and we grew up learning about.

So, this is something that I wanted to introduce to our community, because we are in dire needs and desperately need support with our young men and women in the community. And one way to get that exposure is working with the local organizations that are currently doing it. I didn't wanna just highlight our Greek organizations 'cause the program that I'm gonna be rolling out, also are gonna highlight Young Men of Distinction, The Hope Dealers that Councilwoman Lanier recently brought, Suits for Seniors.

These are all Greek.., these are all groups of men and women that are currently engaged in the community, and are currently working with the.., with our, with our students. Yet, we're not engaging them as a City. So, partnering with them and actually restoring the village is my mission to bring to the City.

So, I'm gonna have today... I'm gonna have these different Green organizations, and also I believe Mr. Claudius Nalls with his nonprofit organization, speak about some of the things that they're doing in the community for a few minutes, so that we can talk about how we can partner with them.

So, I'm, I'm gonna actually start with the men of Omega Psi Phi, if they're here.

Councilperson McCoy: So, Madam Chair, question.

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson McCoy: So, Councilman Lawson...

Councilperson Lawson: Sir.

Councilperson McCoy: ...in a effort to kinda keep order, do we have an estimate on how many speakers? How...

Councilperson Lawson: Yes, sir. I...

Councilperson McCoy: ...long it's gonna last?

Councilperson Lawson: ...I have three..., three to four speakers. I've given them two to three minutes each. So, as we generally would with public comment, I didn't wanna extend it past what public comment would normally be. And we have about four speakers today.

Councilperson McCoy: Okay.

Councilperson Lawson: So, no more than about fifteen minutes total.

Councilperson McCoy: Thank you.

Councilperson Lawson: Thank you, sir,.

Chairperson Lanier: Alright. Go ahead.

Mr. J. Cunningham: Good evening. Thank you for having us here and allowing us to have an opportunity to tell a bit of our story. I'm Juan Cunningham. I'm Basileus, or President, of Kappa Upsilon, the local Chapter of the Omega Psi Phi Fraternity. The Chapter has been a part of the Palm Beach County community for more than seventy years. It's a Chapter that's made up of graduate members of, of our fraternity. We're guided by our commitment to the fr'..., to the fraternity's calling of principles of manhood, scholarship, perseverance, and, and uplift.

Our primary focus in this community is that of uplift. And we've been involved in countless acts of community service to help the disadvantaged in our community, and support our youth. In supporting youth, we have long focused on providing some scholarship assistance to deserving students. Annually, we have a scholarship program and invite students from all over the county to apply.

While our reach has been to assist students from all over the county, I can certainly assure you that a number of our recipients.., recipients over the years, have been from right here in Riviera Beach.

Further, we su'.., we support a program called the Lamplighters. Lamplighters are middle and high school age young men that we have mentored, that have mentored.., mentored by members of, of our organization. They're getting exposure to a full range of activities, to include visiting the Norton Art Gallery, meeting local politicians, like yourself, participating in community service oriented activities, annually giving.., annually serving an MLK parade, and doing many other activities.

Additionally.., additionally, they, they get guidance to other areas of life skills, such as financial literacy and college prep. We normally have about twenty kids in that program. Those that graduate and that are headed to college also participate in our scholarship program.

We, we would certainly be happy to explore with you additional avenues, as how we can assist in uplifting and mentoring the youth of Riviera Beach.

Thank you.

Councilperson Lawson: Thank you, sir.

The Men of Kappa Alpha Psi. [Pause]. The men of Alpha Phi Alpha.

Alpha Phi Alpha: Good evening to the Council. Thank you so much for the invite from Councilman Lawson. We appreciate the opportunity to come and just talk a little bit, and just for a few moments, about our program, The Men of Tomorrow.

We're now entering our thirty-third year, here in Palm Beach County. We've done over about 1,700 kids in that program. This year alone, we have done over \$10,000 of scholarships that we provided. The Men of Tomorrow program, hopefully and prayerfully, with the pandemic issue, we are now embarking on a strategic program that we will be going full-fledged.

One, doing some mental health programs, tutoring. We now have a full-fledged computer lab, now that we have developed there, at the Edward Rogers Center. And so, we are now putting together.., we partnered with the Comcast and Xfinity and we now have a safe zone. So, we are putting together, and we partnered with Palm Beach Community College in Palm Beach Atlantic, and they fully developed a computer lab so we can do tutoring and those things that we can do there onsite with our kids. Using our kids, as well as, peer mentors.

And so, we are doing, which we do always, we're doing community service. And, right now, we have twenty-eight young men in the program. We're now taking applications throughout the county to.., for the com'.., upcoming year. That program, I also will let you know, it is a twelve month program. We go completely through the school year and summer.

Our kids do not take off. We are..., we run our program consistently for a twelve month program, where we emphasize academic success, civic engagement and cultural enrichment. And, as I said before, as I close, we are putting in components where we are looking at a health program, which will encompass teaching our kids all the aspects o, of a well-rounded health program, as well as mentoring with our health issue and mentoring program.

So, we appreciate the opportunity for you., we appreciate the opportunity to partner with our City. And we're looking forward to an aggressive year in 2021 through 2022. And, we're looking forward to offering this program for this year, and we're looking forward to an..., a great relationship with our City.

Thank you so much.

Councilperson Lawson: Thank you, sir.

The men of Phi Beta Sigma.

Mr. A. Porter: Good evening everyone. My name is Antony Porter. I'm here on behalf of Phi Beta Sigma Fraternity, the Gamma Zeta Sigma Chapter. Sigma Beta has been..., the Sigma Beta Club of Phi Beta Sigma have been a part of Palm Beach County for at least fifty years. The Sigma Beta Club itself has been in Palm Beach County for over twenty years.

We believe in brotherhood, scholarship and service. We have, at this point, we pretty much have about a hundred percent graduate rate from high school. All of our kids graduate from high school, as far as going off to college, military or what not, we're sending somewhere around eighty-five percent. Some do go into the workforce, but the majority of our kids go to college or the military.

Brother Jones has some other things, and I'll come back in a second.

Mr. Jones: I'm here to talk about our programs. To our registered members of Sigma Beta Club, follows a national curriculum. We call it Rise and Thunder. What we do is, we chart young people as they come in, and we, we give them incentives as they produce..., produce..., as they progress through our various levels.

In addition to our national program, our Club regularly offers much needed programs such as homework help. We do that virtually also. Mentoring, financial wellness and job training, leadership and annual conferences, which the kids travel to various parts of the country.

Our major program that we focus on, is our college tour, our spring break college tour. What we do is, we take the kids to a region of the United States for an entire week, and we visit the local colleges and universities, and also provide brotherhood bonding activities.

Our second major program, which we're gonna get into, is called our Next Generation Weekend. And that is where we have our young men disconnect from the

internet and WiFi, and reconnect with nature. We combine leadership training and outdoor skills over one chosen weekend at a local campground. We invite speakers, and some of the most current pressing issues for our young men are also tackled. The young men get in touch with nature and learn very important survival skills.

Next, I'd like to talk about some of our successes of some of our local kids. We, we do service..., most of our kids are from the Riviera Beach area. I, myself, am a teacher at John F. Kennedy Middle, so most of our kids come out of that program. But currently, we have a current senior, Ashon Hall [sp], which is an honor student at Palm Beach Gardens. He lives right there on H Avenue. Ashon has been in the City of Riviera Beach Youth of the year. He's also started a business called Sean's Desserts where he makes and sells his homemade desserts, right here in the Marina Village. He's also been awarded our highest award in Sigma Beta, which is we call our, our Mr. Sigma Beta Award, for two years in a row, last year and this year.

We also have Gerald Hearn. Many of you probably saw him on television recently, but he will be on Good Morning America coming up. He's a graduate of William T. Dwyer and Florida Atlantic University, where he was on a academic and athletic scholarship. Gerald is always doing big things in our community, and has been featured a number of times on television and in books. He currently owns a fitness company and is a national motivated speaker.

And a last young person I want to talk about is... I met him while working at the Riviera Beach Boys & Girls Club. His name is Alphonso Atkinson. He's a graduate of William T. Dwyer, recently a graduate of West College in Mississippi. And while at rest, he joined many community groups such as the Urban Leagues and a fraternity as student government, where he was president of each of those for two years. Every summer, while in college, he came back and devoted his time at Boys & Girls Club in Riviera Beach. He is currently in a master's program at Alabama A&M University in Huntsville.

Mr. A. Porter: The programs that we plan to implement to the City of Riviera Beach is a, a leadership conference, which will consist of four sessions. The first session will be financial literacy. The second session will consist of SATAP, which is Students Against Pregnancy. That is not just important to young ladies, it's also supporting young men as well. We need to teach them the importance of being safe and secure.

The last one will be us meeting at Camp Tanah Keeta for a leadership conference, where we will take the kids to Camp Tanah Keeta, as we normally go, disconnect the internet and bring in speakers to teach them about other things and, and the way of the world

So, this is the program we'll bring to Riviera Beach if we're allowed to bring it.

That's it.

Chairperson Lanier: Thank you.

Councilperson Lawson: Thank you, Madam Chair.

So, and I believe Mr. Claudius Nalls.

Mr. C. Nalls: Good evening. Thank you all for taking the time out to meet with me tonight. I'm Claudius Nalls. I'm Claudius. Claudius Nalls. I'm the Founder and President of S.T.A.A.Y., Inc., to Save the African American Youth. It is a startup nonprofit mentorship program with ambitions to help facilitate through [stammer] organizing and long term objectives, successful futures for our urban youth., who are vastly underrepresented.

We are dedicated to return of a more involved, caring and [inaudible] society focused on producing knowledgeable, independent, productive, empowered young people. We understand that it takes a combined effort to commit community oriented organization in connection., in conjunction with fair governmental policies and physical adequations that run parallel with families, nurturing and discipline in order to acquire human rights and social justice through self-determination and collective action.

I am a Alabama native, born[inaudible] family and community ties are entrenched with a strong legacy of social activism, historical preservation and liberation. I relocated to South Florida in 1967. Due to my background exposure, I am acutely aware of the systemic challenges presented within., around our populous among [stammer], I'm sorry, reproduceable solutions previously used in innovative possibility yet to be implemented.

Throughout my residence here, in Palm Beach County, I've been a father figure, advocated to countless adolescents providing a safe haven, advise, an example of accountability through morality. I have been a housing specialist, as well as Director of a Fair Housing of Palm Beach County housing community development, a [inaudible] leader under community coordinated childcare with, it used to be Council Billie Brook's program, and the President of Sickel Cell Anemia with the number one [inaudible], associated with five county Boards, a Health Planning Council for many years, President of Park Manor Neighborhood Association for six years, a member for seven. I have broken the racial barriers, the racism with my employment and a race radical change of hiring of companies , notable Pratt & Whitney, with the landmark of civil suit case that won.

I have ran for public offices as a potential Councilman, presented to the constituents of Riviera Beach. I am also an ordained Christian minister who has spent a lifetime in the study of principles of and in application of my faith.

My college degree, which was in psychology and sociology. I have been., and I believe my qualification along with my experiences have enabled me to weather the storm of systemic oppression that I have endured during my many years of service. It is my duty, obligation, and privilege to continue the work of those who come., who came before me, and who sacrificed... I'm sorry, in the pursuit of equal rights for those who will come after.

I encourage you, who are present tonight, to [stammer].., to contribute this samaritabikty task of saving African American youth through your funding and

participation, and to work with us diligently to end the systemic racism and poverty, and so forth, in our community, that we so much love and are a part of.

Thank you.

Councilperson Lawson: Thank you, Mr. Nalls.

So colleagues, to this point, we desperately need these type of programs and more programs like this. There's so many different programs that are in and around our community that we do not take advantage of, and we do not work with. But, every day, we're getting phone calls and emails from our City Manager about another shooting of a young man, or a young woman under the age of twenty-five. But we have these organizations that can be staples in their lives.

A lot of these men and women are products of these youth auxiliary groups, of Kappa League, of the Sigma Betas, of the Lamplighters, of the Men of Tomorrow. And also, Brother Claudius Nalls is bringing another program, in addition to the programs that we've seen.

What I would like for us, is to direct our Staff to reach out to these organizations, and any other organization that wants to provide a direct path of how to impact our youth, and work as a village with our Parks & Rec, with our Police Athletic League, and as a City resource. 'Cause far too long, we've, we've not done the due diligence and laid the foundation to save these children. We see what's happening and most of our gun violence are happening from the kids under the age of twenty-five. Whether they haven't had the support, whether it's economics, whether it's lack of finances, whether it's not having bother fam'..., parents in the household, whether it's not having parents at all.

So these men and women are gonna give that support to our community. We understand that we can't just increase policing, we can't just set policy 'cause that's not gonna set it by itself. That will help, but at the same time, we also have to provide that support to these organizations, and to the families to be able to work together, to be able to salvage what's happening in this community, 'cause we're losing way too many lives.

I was out there with Chief Osgood for two and a half hours the other night when a young man was killed. And literally, it's just..., families are asking, it's gotta stop. So, what can we do, as policymakers? And the only way that I can see that, is instructing Staff to work with these organizations and other organizations.

For tonight though, my ask is if my colleagues have any additional support for these organizations, they're gonna present actual programs that they're gonna give directly to our kids here in Riviera Beach, that they're gonna provide funding for and they're actually gonna show them, and get them involved. We're also gonna bring in the, the..., the, the sorority's as well to address the young women as well.

So, those are just things that I want us to do, and I want us to focus on. But if we can find the resources, especially within our community benefits that we have now, and then also instructing Staff to work out programs that they can work directly, that is my ask and my request tonight from all of my colleagues.

Thank you, Madam Chair.

Chairperson Lanier: Thank you.

Madam Clerk.

PUBLIC HEARINGS

ORDINANCES ON SECOND AND FINAL READING

12. City Clerk Anthony: Madam Chair, Members of the Board, we're now onto Item No. 12.

City Clerk Anthony: ORDINANCE NO. 4173 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 2 TO ESTABLISH THE OFFICE OF INDEPENDENT AUDITOR; PROVIDING FOR POWERS AND DUTIES OF THE AUDITOR; CREATING AN AUDIT COMMITTEE AND ESTABLISHING SUCH POWERS AND DUTIES OF THE COMMITTEE; REQUIRING AN AUDIT PLAN AND ANNUAL REPORT FROM THE AUDITOR; PROVIDING THE AUDITOR ACCESS TO CITY STAFF, RECORDS AND PROPERTY; REQUIRING PEER REVIEWS OF THE INDEPENDENT AUDITOR'S OFFICE; AND PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ELIZABETH MCBRIDE, DEPUTY CITY MANAGER, 561-812-6590

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.

Chairperson Lanier: Thank you. Mr. Evans.

Councilperson McCoy: Motion.

City Manager: Evans: Madam Chair...

Chairperson Lanier: I'm sorry. Let me get a motion to approve this Item.

Councilperson McCoy: Motion to approve.

Cahir Pro Tem Miller-Anderson: Second.

Chairperson Lanier: Mr. Evans.

City Manager: Evans: Madam Chair, Members of the Board, I would ask that Deputy City Manager, Ms. Elizabeth McBride, make this presentation.

Deputy City Manager McBride: Good evening, Madam Chair and Members of the Council, and City Manager. I'm appearing tonight on behalf of Ms. Georgiev, who's out of the country tonight.

And before you, based upon the recommendation of the City's External Auditor, Ordinance No. 4173 is being presented tonight for adoption. The Ordinance basically [stammer] establishes the Office of the Internal Auditor, in Section 2-232, outlining the duties and responsibility of that office. It also provides for the appointment of the Internal Auditor, and the reporting of that Auditor to the Audit Committee. It establish' a hotline for the reporting of complaints by the public and employees. It establish' an Audit Committee, consisting of a Council Member and four members appointed at large from the public. It provides the Auditor with access to City Staff information and records, and requires the Auditor to produce an annual report.

And those things are consistent with organizations that govern and regulate the functions of the Internal Auditor.

Chairperson Lanier: Very good.

Any questions from the Board in regards to this Item?

Councilperson McCoy: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson McCoy: So, I know, Ms. Wynn, if I can have your attention on this. Members, if we recall, we seen this the first time and we gave the direction to make some technical changes to the composition of the Board, that they didn't coincide with the Board Members, with City Council Members' terms, so that will be continuity. But, I think we have to.., Ms. Wynn, if I'm correct, incorporate those by amending the motion to incorporate those changes because it seems that he, the.., those changes were enacted, but this is not the version that was adopted on first.., first reding.

City Attorney Wynn: No, sir. That's not necessary.

Councilperson McCoy: Okay.

City Attorney Wynn: The, the title...

Deputy City Manager McBride: [Inaudible].

City Attorney Wynn: ...includes.., the title never changed. Therefore, there was no need to.., there's no need to do that.

Deputy City Manager McBride: Right.

Councilperson McCoy: Okay. Alright. Fair enough.

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

[Inaudible comment]

Chairperson Lanier: Madam Clerk, any public comments for this Item?

City Clerk Anthony: Mary Brabham.

Ms. M. Brabham: Good evening. Mayr Brabham.

This particular... Can everyone hear me?

Councilperson Botel: Yes.

Ms. M. Brabham: Riviera Beach.

I watched the Auditor presentation. And he made some critical points in how we can establish a cracking system. And he was talking about the cashflow that comes in. See, we know that when people pay you cash, it's not always accounted for. So he was, he was, he was giving you all, in the budget workshop, when he did his presentation, so that you can have an effective and proficient audit. Because so many times things get convulscent, and you pay out this, and you pay out that.

So, a City like Riviera Beach, not just Riviera Beach but any municipality, I see that we do need the Auditor to set those paraments in place, and give you all the best sound advice that you all can in a governing Board, soi if something is misplaced or out of order, he is able to go in there and pick it up. Because, I know., I'm not saying that, that, that we are a City that just have certain things that may be in the gap. I call it in the gap.

But, we look for accountability. We looks for take ins and pay outs being accurate, in order to balance our books,. And I cannot balance my books when I've given someone \$1,000 and there's no record of it. So checks, money orders, I strongly agrees. Cashflow, because so many times we have events that happen. And this has happened during the previous years, where the cashflow was taken in.

Now, don't get Ms. Brabham wrong, I'm not saying that it was taken, or something was taken, but that accountability with that cashflow, we need to put those perimeters that are in place, to safeguard our financial institute here.

So, I, I, I know that you all are gonna approve it, and I hope that you all put some caveats also in there too, to make sure that, you know, as well as the Council Board, because see, they have all of these paid out, paid outs and everything going on. Because sometimes with me, and other residents as the, as the general public, we can't keep up with you. But once when we post it, we are accurate on how you spend this money here.

So thank you.,

Chairperson Lanier: Thank you, Ms. Brabham.

City Clerk Anthony: Madam Chair, Members of the Board, that completes public comments on Item No. 12.

Chairperson Lanier: Any other questions for...

Councilperson Botel: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson Botel: In Item., the Item on creating an organizational structure, bullet number six, it says the Chairperson, in collaboration with the City Manager will perform regular evaluations of the Auditor.

There's no implication there, I think, that the Auditor is reporting directly to Council though, is there?

Councilperson McCoy: No.

Cahir Pro Tem Miller-Anderson: No.

Councilperson Botel: I wanna be sure that the Auditor is not reporting... Even.., so, we'll be ev'.., the Chair will be evaluating? Will there be input from Council Members or will the Chair and the City Manager take on that role exclusively?

Chairperson Lanier: Mr. Evans.

City Manager: Evans: Madam, Madam Chair, if I may? That would be a responsibility of the Chair and the Manager.

Councilperson Botel: Okay. Thank you.

Chairperson Lanier: Very good.

Any other questions? Madam Clerk.

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: Yes.

City Clerk Anthony: Councilperson Botel?

Councilperson Botel: Yes.

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: Yes.

City Clerk Anthony: Pro Tem Miller-Andersson?

Cahir Pro Tem Miller-Anderson: Yes.

City Clerk Anthony: Chair Lanier?

Chairperson Lanier: Yes.

City Clerk Anthony: That motion is approved unanimously.

13. Chairperson Lanier: Item 13.

City Clerk Anthony: Item No. 13.

City Clerk Anthony: **ORDINANCE 4172 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY,**

FLORIDA, REPEALING CHAPTER 2, ENTITLED “ADMINISTRATION”, ARTICLE IV, ENTITLED “CODE ENFORCEMENT”, DIVISION 2, ENTITLED “CODE ENFORCEMENT BOARD AND SPECIAL MAGISTRATE”; CREATING CHAPTER 2, ENTITLED “ADMINISTRATION”, ARTICLE IV, ENTITLED “CODE ENFORCEMENT”, DIVISION 2, ENTITLED “CODE COMPLIANCE”; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND PROVIDING AN EFFECTIVE DAT.

CLARENCE SIRMONS, DEVELOPMENT SERVICES DIRECTOR, 561-845-4062

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.

Chairperson Lanier: Motion to approve Ordinance 4172?

Councilperson Botel: So moved.

Cahir Pro Tem Miller-Anderson: Second.

Chairperson Lanier: Mr. Evans.

City Manager: Evans: Madam Chair, Members of the Board, if I can have the Director of Development Services, Mr. Clarence Sirmons, make this presentation. And accompanying him is Assistant.., or Senior Assistant City Attorney, Ms. Lina Busby.

Chairperson Lanier: Mr. Sirmons.

Development Services Director Sirmons: Good evening, Madam Chair, Members of the Council, Madam Attorney. I am Clarence Sirmons, Director of Development Services.

The Ordinance before you tonight on second reading, is the third and final of several new Ordinances that Staff has proposed, that will give the City additional tools to manage and regulate properties that cause nuisances throughout the City. This one is concerning the Code Compliance Division. This repeal and replacement of that Ordinance streamlines the Code Compliance process, removes unnecessary steps, provides for additional tools for Staff to assist homeowners who are in difficult situations, in terms of coming into compliance, and makes the overall process better for Staff, and more efficient for the City.

And, there have been one change since the first reading on this Item, whereas we added additional language to clarify the property approvment.., property improvement account that will allow Staff to assist homeowners in need to come into compliance.

And, myself and Ms. Busby are available for any questions.

Chairperson Lanier: We'll take public comment at this time. Madam Clerk.

City Clerk Anthony: Bonnie Larson, Mary Brabham.

Ms. B. Larson: Good evening again.

I haven't had time to read this whole thing, and, as you know, I've been out for a while, so I have a Code running on my property. You know, I try and keep things up but it became impossible for me to do some things. I'll get into that later. I will address the City with that.

But, I object to this. And there's a portion of this Ordinance here that says, if you have fines and whatever, it'll go into, into a fund called the Property Improvement Programs. And that's gonna help people with their...

Councilperson McCoy: Can you speak into the mic?

Ms. B. Larson: Okay. Property Improvement Programs is being suggested. And that's what I have a little problem with because it says going to help people with their yard improvement. I need a lotta that. But I'm not asking for that. House paint and structural improvements. These are things you have to do. When you own a home, you're responsible for that home, and you have to take care of it. And I really..., just a personal, I really don't think that our money should be going towards other people's housepaint and yard improvement.

People in Riviera Beach have big families. They can all pitch in and do it. So, I don't really like that if they don't take care of their stuff, there's gonna money there to do it for them. I disagree with that.

Thank you.

Chairperson Lanier: Thank you.

City Clerk Anthony: Mary Brabham.

Ms. M. Brabham: Good evening. Ms. Mary Brabham, Riviera Beach.

We know that we had the first reading on this here, and as, as I stated before, to come into conformity, like our surrounding states and other municipalities, this addresses a lot of derelict things all over this City. So, if we are to Reimagine this City here, being beautified, kept up, everybody should be responsible.

And like I said before, we homeowners, we are vested in here. So we want some of these things here that are addressed in here, that not just help we as homeowners, but our Police Department. And you, as da governing Board, because Councilman McCoy like to say, 'when they call him.' See, Ms. Brabham get calls all the time. And I don't even sit up there, to address some of these concerns. And issues and stuff.

Now we, we went through this. Attorney Christy went through it on the first reading. Now, I'm gonna try to give some of the highlights here about it. But not limit it to alcohol, noise, dogs, discharge firearms, prostitution, resisting arrest, house parties, controlled substances, and other felony violations.

So, see..., so, we can go on and on with the critical elements that we, as property owners in this City have, have faced time and time again. And as I spoke on the first reading of about this, and residents was sitting in the audience and they was glad to hear

these things here. And I know if we come up with that lien thing, too long the previous Boards and the previous Board have adjusted all of those liens and stuff. We've been giving them time and time and time and chance and chance at this.

Twenty days, the inuendoes, we have to make them all step up to the plate. So, if we are to Reimagine our City here, and move and position our City, so that others, when they come in to visit us, and take advantage and help us prosper on what we can build on here, we need these things here done. Because, I as a resident, along with numerous of residents, we are tired, and I am so glad and proud of this Board. Department head, I'm proud of you and your Staff. And every individual that came together to work on these Agendas and bring the things forth to our community, what we so strongly, strongly have been advocating for it.

Thank you.

Chairperson Lanier: Than you, Ms. Brabham.

Are there any questions for Mr. Sirmons in regards to this Item?

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson Lawson: Thank you, Madam Chair.

This is more so for Mr. Sirmons and Mr. Evans. If we can just kinda talk about.., I've heard, since we first passed the first reading, that this is just another way to take people's properties and gentrification is gonna happen. And, from my understanding and from what this Code is written, it's the polar opposite. It's more improving and pouring into the community. And, people are saying this is a way of streamlining it. If Mr. Evans could possibly speak on, on the intent and actually what the Code states, and then some of the benefits that we're gonna receive from this, so that we can let our residents know that we're not.., we have no intention of taking property. We don't wanna be landlords. We literally wanna just beautify our community.

So, Mr. Evans, if you could speak on that.

City Manager: Evans: Madam Chair, if I may?

Chairperson Lanier: Yes. Go ahead, sir.

City Manager: Evans: Yes. Madam Chair, I'll, I'll take one part of the question and then defer to Development Services [stammer] to provide some additional remarks. The, the modified language allows for us to move nuisance properties through the process a lot more quickly. One of the things we hear from residents all the time is that it takes a long time to drive compliance.

One thing that folks need to know that, at the end of the day, Code Compliance is intended to make sure that people comply with our existing Codes. And so, we have

more tools in the toolbox with this Ordinance, to act actually work with property owners to resolve those particular issues.

One of the challenges we have in our community is, absentee landlords, whereby the landlords, or the persons that may be renting the, the property, are not maintaining the property up to the standards. And so, this provides us the opportunity to move through that process quicker, and ensure that the neighborhood starts to beautify.

The fund that is established, that fund can be utilized for the provision of Code Compliance services to assist and create more enhancements to assist with community cleanups, to facilitate any façade improvement grants. And, at the end of the day, we don't want to see that fund grow. We want to see the properties come into compliance.

Director Sirmons, if you can speak on some of the elements that, in essence, are a, a different way and a benefit to the City and the residents that may live next to some of those nuisance property, or that property owner that may be experiencing some hard times, how we can help them, to where it doesn't get to the point where they're going before the magistrate.

Development Services Director Sirmons: Yes, Mr. Manager.

As was just stated, the goal of this Ordinance is still, as it always has been with this operation, is to gain compliance. It is not in our interest, or the City's best interest, to own and maintain numerous residential and other properties around the City. So, what this does is, is allow us to work more quickly with those homeowners who may just have been caught off guard, needed additional information as to what the requirements are in terms of property maintenance, and our officers works with them to gain compliance.

And, and in many cases, we don't have to go to additional steps of taking case to the magistrate for additional actions. But in the cases where action is required and there is an, for example, absentee landlord who is just not paying enough attention to their property, this allows us to more quickly get that property on the books, in front of the magistrate, and get an, an order on that property so any necessary fines can be issued.

But when it comes to taking property, or the City foreclosing and, and resulting in ownership of those properties, that process does not change based on this Ordinance. It still has to be a decision and recommendation of the magistrate judge, and that is forwarded to the Legal Department who would make a decision in concert with the powers that be, as to whether that would be in the best interest of the City. But this Ordinance would not change that process.

It does, however, create a fund that is..., only comes from five percent of the fees charged from Code Enforcement operations. Five percent of those fees charged would go into this property improvement account.

If this Ordinance appr'..., is approved on second reading tonight, the..., at the following meeting, I will bring forth a Resolution that would highlight or outline the fees, establish those fees with this Ordinance, as well as additional parameters around that property improvement account.

Chairperson Lanier: Any other questions for this Item?

Cahir Pro Tem Miller-Anderson: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Cahir Pro Tem Miller-Anderson: I don't have a question, I just wanted to make a comment that I know the Police Department, Major Lewis and others, have been working really hard with Mr. Sirmons in terms of the chronic nuisance, trying to address that because we've had a number of concerns that have always been presented about some of our stores that are open late, as well as the homes that have continuous phone calls to the Police Department for just a variety of things.

And so, with this, we have some teeth that have been put in it. And I totally support it. And I'm glad to see it here.

Thank you.

Chairperson Lanier: Thank you.

Councilman McCoy.

Councilperson McCoy: Thank you, Madam Chair.

So, I wanna ask a question. Perhaps Ms. Busby, if I can of her regarding two items that I..., well, actually one item but it's containing two separate sections. Section 2-331 of the Ordinance established the..., establishes the intent. And one of the things that kinda caught my attention was, it said that it is the intent of the Division to promote, protect and improve health, safety and welfare of the citizens by authorizing the appointment of one more special magistrate. One or more special magistrates.

So, I wanna make sure I'm clear. It says the City. I believe, in my opinion, the verbiage needs to be very clear and says the City Council. Because I do recall some years back that there was some confusion about a special magistrate that wasn't exactly appointed by the City Council, but they had presided over some, some magistrate hearings, which was not authorized in the Code.

So, in the next section, which establishes the appointment of special magistrates, that section says, very clearly, that the special magistrate shall be appointed by the City Council. Now, is there going, or could potentially be, an interpretation in the future that one section says the City and then the other sections says the City Council? Because, it's very clear and explicit in Section 2-332, that the City Council does it. But in the previous section of Intent, it establishes as the City's responsibility. Which I kinda find to be two separate persons. And, again, we've had that problem in the past.

Senior Assistant City Attorney Busby: Good evening, Chair, Members of the Board.

Thank you, Council Member McCoy. You're reading very detailed into this Ordinance and we appreciate your careful reading. However, there is not a conflict in this

matter. It is recognized that it is.., that the special magistrate is appointed by the City Council and the City Attorney cannot unilaterally appoint a special magistrate that is not confirmed by the City Council in a public meeting by Resolution.

Councilperson McCoy: Okay. Well, I just wanna make sure because, in fact, that's exactly what happened in the past.

Senior Assistant City Attorney Busby: Well, I, I can't recall that that happened in the past, but I.., the intent behind this section of the Ordinance is for the appointment of the, the special magistrate.

So, what happens is, the City Attorney will recommend to the City Council via a Resolution, and a contract for the special magistrate, and that must be approved by the City Council.

Councilperson McCoy: Thank you.

Senior Assistant City Attorney Busby: You're welcome.

Chairperson Lanier: Alright. Very good.

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

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: Yes.

City Clerk Anthony: Councilperson Botel?

Councilperson Botel: Yes.

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: Yes.

City Clerk Anthony: Pro Tem Miller-Anderson?

Cahir Pro Tem Miller-Anderson: Yes.

City Clerk Anthony: Chair Lanier?

Chairperson Lanier: Yes.

City Clerk Anthony: That motion is approved unanimously.

Chairperson Lanier: Thank you.

ITEMS TABLED

REGULAR

14. Chairperson Lanier: Item 14.

City Clerk Anthony: RESOLUTION NO. 85-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AMENDMENTS TO THE CITY'S ADOPTED FIVE-YEAR CAPITAL PROJECTS PLAN FOR FISCAL YEARS 2020/2021 THROUGH 2024/2025, AUTHORIZING THE ACCEPTANCE OF FEDERAL AMERICAN RESCUE PLAN FUNDS IN AN AMOUNT OF APPROXIMATELY \$14,920,000, AUTHORIZING THE DIRECTOR OF FINANCE AND ADMINISTRATIVE SERVICES TO ESTABLISH A BUDGET FOR SAME, AUTHORIZING THE BUDGET FOR PROJECT 18036 – FIRE STATION 86 REBUILD TO BE AMENDED TO \$15,000,000 AND AUTHORIZING THE PROJECT FUNDING SOURCE FOR SAME TO BE AMENDED TO CAPITAL FINANCING, AUTHORIZING THE BUDGET FOR PROJECT NUMBER 18034 – FIRE STATION 88 REBUILD BE AMENDED TO \$20,000,000 AND AUTHORIZING THE FUNDING SOURCE FOR SAME TO BE AMENDED TO CAPITAL FINANCING AND PROVIDING AN EFFECTIVE DATE.

RANDY 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.

Councilperson Botel: Move that we approve Resolution No. 85-21.

Cahir Pro Tem Miller-Anderson: Second.

Chairperson Lanier: Mr. Evans.

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

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

The Item you have in front of you tonight is to amend the five year CIP Plan. There are a couple of changes that we find necessary to make. One, obviously, no one foresaw \$14.9MM coming from the federal government. We need to put that in the plan and accept those dollars. And then, as you know, we've been moving forward with Stations 86 and 88. The Five Year Plan did not contemplate that we'd be moving as quickly as we are, so we need to amend the Plan to include full-funding for those two projects and identify the funding as capital finance.

Those are the changes. And I can take any questions that you may have.

Chairperson Lanier: We'll do public comment at this time. Madam Clerk.

City Clerk Anthony: Bessie Brown, Mary Brabham.

Ms. B., Brown: Good evening, Council.

Chairperson Lanier: Good evening.

Ms. B., Brown: My question is, I unders'.., I understood what Mr. Sherman stated that they're, they're fully funding the 86 and 88 capital project for, for, for those Fire Stations. And, I thought 86 had already.., I, I would like to know if there had been some improvements to 86 recently. And how much that was.

And also, I'd like to ask that if.., is 87 the Fire Station that you're planning to move from currently at City Hall, Hall. Currently, around City Hall, across to Wells location?

I'd like a response.

Chairperson Lanier: Alright. Very good. Madam Clerk.

City Clerk Anthony: Mary Brabham.

Ms. M. Brabham: Mary Brabham, Riviera.., Riviera Beach.

We would like to do the whole entire City. We would like to do the whole entire City. Federal Gardens was included in our sector plan. See, Ms. Brabham sat through that sector plan and we workshopped that for those areas over there in Federal Gardens. Why? Because we knew that we would build up that corridor with Thousand Oaks and those other homes in.., over there.

So, we wanted those areas over there to be redone, the streets and all of the lightings. And I have pictures from when they did go in there and do 13th Street. And they did go in there and, and, and do, and do other things on 11th Street, as well as 12th Street. But, they did not finish out the plan.

But, in the sector plan, Federal Gardens was included in that plan there. That's why some of the streets have deco lights. Remember, I said I would like to do the whole City. So, maybe one day, when we get rich, rich, rich...

[Chuckle]

Ms. M. Brabham: ...when we be trillionaires, we can do the whole City. But we have to conform, confine and work [inaudible], so that we can build up those areas where we know that it, it is vast development... See, everybody like to stay on the westside. All of this stuff here is on the westside. Because, once when the westside all this corridor here is built up here, we are on the west side.

And the Fire Station, coming out of the ground. Oh, I gets it when you're gonna move that little portable over there at Wells, that can still be utilized for something else. But to build up the Fire Station from the ground, what city wouldn't marvel at that?

And we do know that it takes fundings that need to do these things here. So, and this what we are about. Building on our capital investments, with revenues and bonds. 'Cause cities are built on bonds. And this is how a lot of major cities are built up. Why Ms. Brabham know these thing, and Ms. Brabham has traveled. Her occupation was accounting, administrative. And I read a lot. So, see, so we have to realize how we're moving here. How we're moving here, in the atmosphere. We're not going back there no more. We're in a new chapter altogether now.

And we have to think differently. We have to think with ingenuity. And we have to build on what we [inaudible].

Thank you.

Chairperson Lanier: Thank you, Ms. Brabham.

Mr. Sherman. Are there any questions about this Item for Mr. Sherman?

Mr. Sherman, you want to address that issue that was brought up?

Finance and Administrative Services Director Sherman: Which, which one?

Chairperson Lanier: By the resident.

Finance and Administrative Services Director Sherman: From Ms. Brown?

Chairperson Lanier: From Ms. Brown.

Finance and Administrative Services Director Sherman: I don't know what improvements have been done at 86. I can't address that particular question. If that's the, the one you're referring to. Yeah. I don't know. It's...

Chairperson Lanier: Mr. Evans.

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

City Manager: Evans: Yes. Madam Chair, we've just recently, probably within the last year or so, have, have put a new roof on that structure. But again, that structure is dated and is at the end of its useful life. So much so that we had to close a bunk room as early as last week because of significant water intrusion. And we now have to go and make roof [stammer].., roof repairs to a, a new roof that we put on.

So, we anticipate, that it's certainly our priority, to move concurrently with Fire Station 88 and 86. I'm trying to get those stations constructed at the same time, because we don't think that that Station is going to continue to operate in the same fashion that it is.

And so, the modular units that we are going to be deploying across the street, which will be on the Wells site, will quite possibly be utilized in some form or some fashion in subsequent construction phases. I don't think it will happen. Hopefully, we can hold off at, at 86 and have the new 86 up and operational. But, in the event that we have to make some tweaks and modifications, we may have to look at some temporary space on the Island, in the event that we still have some issues with regards to that Station.

Chairperson Lanier: Thank you.

Any other questions for Mr. Sherman for this Item?

Councilperson Lawson: Yeah. Madam Chair?

Councilperson Lawson: Yes. Go ahead.

Councilperson Lawson: Thank you.

Mr. Sherman, a question. We talked about the budget cycle, the \$14.9, but possibly only receiving the \$7.4. I know we gave direction, or insight, to Staff to possibly have an alternative in the event that we do not receive the remaining \$7.4MM. Is that something that we have, or that we have put together in the event that if it's not issued to us?

Finance and Administrative Services Director Sherman: Yeah. If we don't receive the second half of the payment, what it really would come down to is that we would just have to issue more debt for that project. 'Cause again, we're putting it towards the water treatment facility.

So, right now, we've targeted that project at about \$120MM. This fifteen, in essence, would come out of that, so we'd be borrowing only around a hundred and five. Obviously depending on where the, the proposals come in. But if we don't receive the full \$15MM, only receive seven and a half, currently, we'd have to, you know, take out additional financing.

Councilperson Lawson: While it is farfetched that we won't receive all the funding, for the \$14.9, do we know what that looks like in regards to our bonds, in regards to the fees, the expenses, the dollar amount that we'd be paying on, on our bills? Just having an idea of that the alternative plan. Because, just to say we're just gonna take additional debt if we don't receive the money, it doesn't give our residents any comfort in knowing what the actual costs are gonna be incurred on them.

Finance and Administrative Services Director Sherman: Well, we have run various scenarios. It's all going to, obviously, depend on when those bonds are issued and what the interest rates are at that time.

But we're looking in, in the vicinity to cover the hundred and twenty. We are at about \$7MM of new debt service, annual debt service. So, obviously, if we can pare off ten percent with this \$15MM, or a little bit more than that, you know, maybe we're closer to the \$6MM.

So, you know, we should be somewhere in that range, depending again, on what happens with interest rates.

Councilperson Lawson: Okay. So, if interest rates spike, if they even go lower than they are now, this is gonna determine what the payments are gonna be, but that we'll incur that additional cost if the government doesn't issue the additional funds.

Finance and Administrative Services Director Sherman: Correct.

Councilperson Lawson: And, could you just give us a quick recap on why they would not issue those additional \$7.4MM?

Finance and Administrative Services Director Sherman: Why they will not issue?

Councilperson Lawson: Why, why it's possible they wouldn't.

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

Councilperson Lawson: Based on my readings, it looks like that it's not guaranteed money. It's been issued as we have the initial \$7.4 now but the, the additional \$7.4 is gonna be based upon... If you can just give that oversight.

Finance and Administrative Services Director Sherman: Well again, there, there are certain conditions and reporting requirements. And if you don't follow those conditions and follow those reporting requirements... It's like any federal or state money that we receive. It's always subject to audit. They, they always have a claw back provision, that they can come back and, and take that money back, even if they, they have given it to you.

But again, that's why we're trying to be very careful and follow these processes, to make sure that we are in compliance along the way.

Councilperson Lawson: So, I, I wanna have all of our 't's' crossed because, there's \$500,000 that was, due to a Library, that we lost because we didn't cross all our 't's' and dot all our 'i's'. So that's the point., the reason I'm asking...

Finance and Administrative Services Director Sherman: Mhmm.

Councilperson Lawson: ...to make sure that we have a Plan B, and an option to make sure that we're protected, and make sure Staff's doing their proper due diligence.

Finance and Administrative Services Director Sherman: Yeah. No. And, and that's a, that's an excellent point, Councilman. 'Cause the Library dollars, those expired. 'Cause again, you had a certain period to spend those dollars.

Councilperson Lawson: Right.

Finance and Administrative Services Director Sherman: In this case, the dollars have...

Councilperson Lawson: To the fact...

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

Councilperson Lawson: And to that point, we let them expire.

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

Councilperson Lawson: So, it's the same scenario as to I don't want Staff, or anyone, to drop the ball, whether...

Finance and Administrative Services Director Sherman: Yeah.

Councilperson Lawson: ...it's this dais, Staff or anyone else. I wanna make sure that we've covered it and make sure we look at every scenario possible.

Finance and Administrative Services Director Sherman: Absolutely.

Councilperson Lawson: Thank you, sir. Thank you, Madam Chair.

Chairperson Lanier: Thank you.

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

City Clerk Anthony: Councilperson Botel?

Councilperson Botel: Yes.

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: That motion is approved.

Chairperson Lanier: Motion approved.

15. Chairperson Lanier: Item No. 15, please.

City Clerk Anthony: **RESOLUTION NO. 78-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SETTING THE MAXIMUM MILLAGE RATE FOR THE CITY OF RIVIERA BEACH FOR FISCAL YEAR 2021/2022 AT A RATE OF 8.4520 MILLS; SETTING THE DATE, TIME, AND PLACE OF THE FIRST PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.**

RANDY 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.

Councilperson Botel: Motion to adopt Resolution No. 78-21.

Chair Pro Tem Miller-Anderson: Second.

Chairperson Lanier: Mr. Evans.

City Manager Evans: Madam Chair, Members of the Board, if I can have the Director of Finance and Administrative Services, Mr. Randy Sherman, make this presentation.

Finance and Administrative Services Director Sherman: Good evening again. This Item, as you know, every year we are required to do two things before the trim notices are published by the Palm Beach County. We need to adopt our maximum millage rate, and we need to set the date for our first public hearing for the budget.

So, what this Resolution does, is it establishes the maximum millage rate at 8.452 mills. Now, that again, is the maximum. We can always go down from that point but we cannot go up. And it establishes the first public hearing meeting for September 8th at 6:00 p.m. Those will then be on the trim notices as they are sent out to the, to the taxpayers.

Councilperson Botel: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson Botel: Thank you. Mr...

Chairperson Lanier: Oh, hold on one second. Let me get public comment first. Thank you.

Public comment, Madam Clerk.

City Clerk Anthony: Mary Brabham.

Ms. M. Brabham: Ms. Mary Brabham, Riviera Beach.

See, I come to do business.

[Chuckle]

Ms. M. Brabham: Thank you.

As you all know... And this is a good thing ,that we have kept our millage rate. So, so, I think that we are be'.., to be commended. Last year, we had the same millage rate as we have this year. And we know in operational, in government, the Fiscal Year always begins October 1. So, I am very glad to see, and read that we have maintained our same millage rate, because we know now, [stammer], in between... And we don't want, you know. So, so, so I look at this as a plus for the City of Riviera Beach. And, and especially in times like this.

So, I, I think you, Board, should be commended for this. Out of everything else that we are trying to do, capital projects, trying to move things the way that we should have been moved, so that we can proceed forward.

So, we are to be commended. Kudos to you all.

Thank you.

Councilperson Botel: Thank you.

Chairperson Lanier: Thank you.

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

Councilperson Botel: [Inaudible].

Chairperson Lanier: Councilman..., Councilwoman Botel.

Councilperson Botel: Thank you.

Mr. Sherman, just a couple of questions. If we reduced the millage rate by, let's say, a tenth of a mill, what has to be cut, you know, hypothetically, what would have to be cut from the budget? And, could you explain the effect on homeowners versus businesses, like FP&L? I mean, what, what's gonna come.., if we were to reduce it, what would my tax bill as a homeowner reflect, and what would FP&L. And just a final question, when will the new developments on Singer Island kick in, such that they have an effect on our budget? So.

Finance and Administrative Services Director Sherman: Yeah.

Councilperson Botel: I think you got that.

Finance and Administrative Services Director Sherman: Okay. And, I'm trying to do some math in my head. [Chuckle]. 'Cause I don't have those answers here.

A tenth of a mill is probably about...

Councilperson Botel: Or say a mill. I mean, I, you know..

Finance and Administrative Services Director Sherman: Well, a, a mill is...

Councilperson Botel: Pick the number you want.

Finance and Administrative Services Director Sherman: ...you're going from 8.452 to 7.452.

Councilperson Botel: Right.

Finance and Administrative Services Director Sherman: So that, you're taking off about fifteen percent. So, that's about a \$7MM cut.

Councilperson Botel: Mhmm.

Finance and Administrative Services Director Sherman: As we know, our Police and Fire budgets already exceed the total amount of property taxes that we bring in. So, a \$7MM cut on a, you know, eighty five.., four million dollar budget is, is a pretty significant cut.

Councilperson Botel: So, we probably have... Follow up. We'd probably have to lay off some Police and Fire and...

Finance and Administrative Services Director Sherman: You'd, you'd be...

Councilperson Botel: ...perhaps other Staff.

Finance and Administrative Services Director Sherman: You'd be purging a lot of Staff to...

Councilperson Botel: Right.

Finance and Administrative Services Director Sherman: Again, you know, seventy-five percent of your budget is personnel.

Councilperson Botel: Right.

Finance and Administrative Services Director Sherman: So again, if you're cutting, you know, fifteen percent of your budget, you're cutting into personnel very deeply.

Councilperson Botel: Right.

Finance and Administrative Services Director Sherman: As far as what that would do for the average household, that's probably gonna save about \$12. It doesn't save that much with the, with the exemptions on, on, you know, homestead exemptions.

As far as FPL, they probably would save close to a quarter of a million dollars.

Councilperson Botel: Right.

Finance and Administrative Services Director Sherman: You know, we have a heavy commercial taxpayer base. So again, what you're saving on the residential side is far exceeded, you know, when you get over to the commercial side.

Councilperson Botel: And, and just because somebody asked me this question, when you say the average homeowner, \$12, how about a homeowner, for example, who has a \$500,000 home or a quarter million dollar.., or a three quarters of a million dollar home, what's their.., approximately, what's their sav'.., what's their...

Finance and Administrative Services Director Sherman: They might save four or \$500.

Councilperson Botel: Okay.

Finance and Administrative Services Director Sherman: But, you know, still not \$250,000...

Councilperson Botel: Right.

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

Councilperson Botel: Okay.

Finance and Administrative Services Director Sherman: [Inaudible].

Councilperson Botel: And then last, last question, what.., when will those new developments on the Island kick in? I, I have asked this, because people are assuming that they've already kicked in. And, and...

Finance and Administrative Services Director Sherman: Yeah.

Councilperson Botel: ...and I don't mean just Amrit, I mean 5000 North, and the others that have come on.

Finance and Administrative Services Director Sherman: Yeah. The, the property tax year ru'.., actually runs, January to December, so they have to be on the tax rolls at the end of December to be included in the tax base for the next Fiscal Year. So, unless they have received their Certificate of Occupancy by December, they will not be included in the following year. If those properties do not have their CO's at this point, it is, you know, a common practice to delay your CO 'til after the tax year, you know, so you can, in essence, get one additional year with no taxes or, or low taxes.

So, the hope is, is they come on next year but, but I can't say that for certain.

Councilperson Botel: Thank you.

Chairperson Lanier: Thank you.

Any other questions for Mr. Sherman in regards to this Item? [Pause]. Very good. Madam Clerk.

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: Yes.

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: Yes.

City Clerk Anthony: Councilperson Botel?

Councilperson Botel: 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.

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

Chairperson Lanier: Before we go onto the next Item, we will start with our public comments for this evening.

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 ALL 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 for this section of the Agenda is now closed.

Bonnie Larson, Lloyd Brown, Claudius Nalls.

Mr. L. Brown: [Inaudible audience comment].

City Clerk Anthony: Mr. Brown, Ms. Larson is first.

Mr. L. Brown: Alright. [Inaudible].

[Chuckles]

Ms. B. Larson: We just talked about Code Enforcement and something I wanted to say. I'm very glad to hear...

Chairperson Lanier: Pull the mic up closer.

Ms. B. Larson: Up closer? Okay. I'm sorry.

Code Enforcement. I'm very glad to hear, if Code Enforcement will go over those absentee landlords. They're making our neighborhoods a mess. Now they can't evict people. You can't imagine how we have to live. There are a lotta little homes. You, you drive around and you'll see a little bitty home. It used to be a one or two bedroom home years ago, now it's split down the middle. So now there are two addresses on the front. So now they're renting out to two different families, and there's only two different exits and one only bathroom. I don't know how they do that.

But there are slum landlords and we need to really crank down on them. If they're gonna own a home, that they bought for cheap in Riviera Beach, fix it up, make it.., make it livable for the people. They have to live in poverty, and if they get kicked out, if they say something, they know they'll get kicked out and there'll be someone else just to come in and, and won't say anything.

So, we need to make conditions better for our people that are living here.

Oh, I'll do the good news first here. Okay. The thrift store on 28th, it's coming down. That thing shoulda been torn down thirty years ago. It's coming down. Could we put.., I'll talk fast. Could put the sign that we used to have next to Barracuda Bay saying, 'Coming soon, Fire Department,' and put it on the Walgreens location, because people still don't know? Alright. Now here comes the can of worms. I sent a letter to the City because I have an issue. And, the issue is that the previous Councils bent over backwards to have that carwash come in on Blue Heron. A major intersection, they bent over backwards. They didn't care that they cut off our serving marker. And, that wall is on our serving marker. They didn't care about that. They didn't care that the wall is not the proper height, so people jump over it. They didn't care that people were putting their stucco on it, on our side. Okay. Now, we have an orange or gold or whatever color wall it is. It's ugly, it's full mold. [Phft sound], it on our side. Okay.

Now, what they've done now, over there, is they put up another sign saying they're gonna be open 'til 8:00 o'clock at night. 8:00 o'clock at night, from 7:00 in the morning. Okay? This allows... I have to talk fast here. When you add it all up, because Sunday they were only supposed to work half a day, but they're not. They are working.., if they get eight hours, which they have on their website already, ninety-one hours a week we have to listen to that. Seven days a week. They're only closed two days a year. We gotta listen to that.

During COVID all other car washes were shut down. Not that one. The City let 'em operate. I have to think, what was, what was the City getting out of this to, to grant them all of these concessions?

I looked it up, I did my homework. I looked up every carwash in the area, they're the only ones that are open 'til 8:00 o'clock at night. And wanna be open 'til 8:00 o'clock at night.

Please do the right thing. Have some concern for our quality of life and don't allow that...

Chair Pro Tem Miller-Anderson: Thank you.

Ms. B. Larson: ...new plaque thing. No other ci'.., no other carwash has it.

Thank you.

City Clerk Anthony: Lloyd Brown, Claudius Nalls...

Mr. L. Brown: I gotta spread out. I have to take a COVID shot everywhere I go.

[Chuckles]

Mr. L. Brown: 'Cause I got about twenty of 'em already.

[Chuckles]

Mr. L. Brown: How ya doin'? My name is Lloyd Brown.

And, you know, I, I was gonna tell you, you know, like..., you know them three..., the monkeys that are like, 'Hear No Evil, Speak No Evil, and See No Evil?' Well, the people in Riviera Beach, I'm not really gonna say anything about ya'll but people in Riviera Beach, that's what I see in them. They don't see what you're doing over here, they don't hear what you're doing over here, and they don't know what you're doing over here. They're always coming to me talking about, why don't you tell them this, why don't you tell them that?

And then you'll see 'em marching down the street, or you'll see the churches, or you'll see the stores ran by these people, that don't even live in the neighborhood.

They said, in that Black Wall Street, that a dollar bill turns over for nine days. In Riviera Beach, it's gone in a New York Second. And it's out of the neighborhood.

And then another thing I wanna know. And I want a answer for this, anybody on the CRA, if they own property in Riviera Beach, I don't care where, if you build something in Riviera Beach, just like when they build Walmart out there, you know, all the property value close around that area, went up.

So, how, how can... Okay. I'll say this. How can Paul George play on this team when they're playing and say, 'Well, look, I wanna ref the team,' 'cause it's gonna benefit his team? How can he do that? Or, how can Chris Paul say, 'Well, halftime, we're losing. Let me stop and put on a referee uniform.' That's a conflict of interest.

And I think if anybody got anything to do with property, the CRA is not the place for you because you have the opportunity to make de'..., decisions that might help your clients, if you're in the real estate. And if you got property, it's gonna help your value of your property. That's like, you know, in Riviera Beach..., and then you're saying you wanna build.

Another thing, it's like we build in Riviera Beach, it's like a man building a house and he ain't using no mortar. He's just putting bricks up. So, what you think is gonna..., how long you think it's gonna stand? Just because you building, don't mean a damn thing when you're not really trying to stop the unemployment.

I hear these people in Riviera Beach. It's not about ya'll. They're marching around talking about, 'Stop the killing.' But yet, you go around the yards, they got some foreigner in there doing the yard. The churches got some foreigner cutting the grass. And you will call some foreigner up, you say, well, you know, I had a guy to come in here. He was a crackhead. I had him to wash my car, build my house, and all that. I gave him twenty dollars. You know what he didn't do? He didn't go in the backyard and dig that hole for

me to put that plant in so I'm not gonna mess with no more. But, I mean, you ain't pay the man but twenty dollars.

But you'll get somebody to come in and you will criticize the black guys living next door to you because they selling drugs, they unemployed. And, they speak English and they can't get a job in America. And so, how in the hell you gonna talk about the young boys, when I ain't never see nobody in my neighborhood fly a plane down there to Columbia, speak Spanish and bring a ton of cocaine back.

So, don't blame it on them. And like I'm sayin', don't build this City. All the killing going on... My friend just got.., his son just got killed this weekend.., this week.

Find out how to employ these young boys. And then you will stop all this crime. Don't build...

Chair Pro Tem Miller-Anderson: Thank you, Mr. Brown.

Mr. L. Brown: ...where it's gonna fall down. [Inaudible audience comment]

City Clerk Anthony: [Stammer]...

Chair Pro Tem Miller-Anderson: Who else do we have?

City Clerk Anthony: John Miller, Cindy March, Artie Williams.

Chair Pro Tem Miller-Anderson: Not yet, Mr. Nalls.

City Clerk Anthony: Mr... Mr. Nalls, you wanted to speak on Item No. 17, am I correct?

Mr. C. Nalls: 17.

City Clerk Anthony: We're not on Item No. 17 yet.

Mr. C. Nalls: Okay.

Chair Pro Tem Miller-Anderson: Mr. Miller.

Mr. J. Miller: John Miller, 1290 Manor Drive. I'm gonna try to stay as positive I possibly can. I try to do that when I come up here.

First of all, I, I missed that last meeting. And I just wanna say that I know the full story also about with, with Officer Hoffman. How he saved that young boy's life. And, you know, it takes guts to do that. You know, [stammer].., we have men.., women and men, officers, who put their lives on that line every day. But, to do what he did... I'm glad you's did a real nice job for him because he deserved it. And so does the entire Police Department. It's not their fault because of what goes on in this country right now. There's many issues that are causing all these different things.

So, the next thing I wanna talk about is, in my life in construction, one of the venues that I worked for was Sunoco, a huge, at the time, refiner. And, we did a lotta projects. I

was, I was a project management on major projects. And when we did these projects, which some of them could be hundreds of millions of dollars, the CEO would come and give a little pep talk. He'd walk in and he talked about this and he said, 'You know,' he says, 'Once you start this project it's like a train.' He said, 'It takes a lot of power to get that train moving.' He said, 'But once you get that moving,' he says, 'this is where you..., this where you make progress.'

Right now in this City, we got that train moving. And it wasn't just Mr. Evans, it was all of you's up here.

[Inaudible audience]

Mr. J. Miller: That's not right. You know what I'm saying?

Chair Pro Tem Miller-Anderson: Continue...

Mr. J. Miller: That, that's not right...

Chair Pro Tem Miller-Anderson: ...Mr. Miller.

Mr. J. Miller: ...for somebody to be hollering out, that's not right. Listen, we can have any opinion you want but I can tell you, I've been a property owner here since 1974, I've been retired now ten years here. And there's more going on here now..., this train is moving. And I can tell you right now, we're always gonna have dissidents, we're always gonna have people that say, 'they.' Whatever.

But, the people are behind you. They're behind ya. Thank you so much, as a Council working together, doing whatever you can to move this City forward. And, we're moving.

Thank you.

Chairperson Lanier: Thank you.

City Clerk Anthony: Cindy March, Artie Williams, J.B. Dixon.

Ms. C. March: Good evening, Council. I wish I knew which side that train, which direction that train was moving so I could've got on that train as well.

I'm here to speak, and it's personal with me, and it's personal for the last three years. You all, you could be mindful, because I know you all know that you all have a lawsuit with Ladi March Goldwire, which is my niece. You all need to speak to whoever on social media, saying you had a open session about her case. I knew you all read the flyer, when you all got elected, with Lanier and Botel name' on it. 'Get rid of Ladi March. Fire Ladi March.' Botel, she walked out 'cause she know' I was coming for her.

So, let me just speak briefly. What goes up must come down. It's gonna come out, and I ask, and I plead with you all. You all go to court, be honest with yourself because, including myself, everybody in here have had a past. But your past does not

predict your future. Ladi March Goldwire, I don't care how personally you felt about her, how negative you felt about her, she was good for this City.

Only if her and Mr. Evans could have worked together, you would've been amazed on what kinda job they coulda got done together, instead of praising a Manager that said he would not come back unless he had a 5-0 vote. And he only had a 3-2 vote. I was at that meeting. Thanks to KaShamba. She rigged up the third contract. It was a third contract. Words were scratched out but it was a third contract.

So, when you all are getting ready to go court, be honest with yourself. What if this was me? What if this was me? Snatching a fork out of somebody's mouth, who went to jail. Talking about she didn't have no license. She didn't have this. Lynne Hubbard, her auntie. I'm her auntie. Lynne Hubbard is no kin to us.

Ladi March went through a lot. Because of the lies, the defamation. And I'm quite sure your lawyer, for your City, I'm quite sure she done warn you all.

So, Botel, up on the social media, you need to tell whoever to bring it down until after court. Because it's gonna all come out. What you do in the dark, gonna come to the light.

And all this money you all paid, to these big developers and wanna give them a cut after she left hers, it's coming out. And remember, the last whistleblower got \$8MM.

So don't think..., it's not even about the money. It's the way you defamed her character. And then this so called lawyer, Stephens, he still trying to defame her as a criminal. She's not a criminal. We all did wrong. I did wrong with my life. I made bad choices. But I had a second chance.

Chairperson Lanier: Thank you, ma'am.

City Clerk Anthony: Artie Williams, J.B. Dixon, Delores Williams.

Mr. A. Williams: Good evening, Council and the residents. My name is Artie Williams. I'm here on behalf of the Youth Recreation Association and Mothers Against Murderers Association. And we just wanna speak on a few things, actually one thing and that's the contract with..., concerning the Waste Management.

Now, Waste Management, I, I can say personally, with our organization, they've done so many things for the community. Things you probably don't even know about. A lot of the programs that we've doing, the feeding programs, the senior programs, it came from Waste Management and some of the Councilpeople here.

But Waste Management has been dealing with us for years and for years. And a lotta times, they don't even have any recognition. The banner..., all these things haven't been put up, but those things are done because of this organization and this group. And we wanna continue to support them.

I know our Recreation Department and, and MAMA, we're continue to, to support them. And I'm asking all of you Council to, when it come down, to support them also

because they have done a lot. Just not for when come to garbage, trash or whatever, but our community. Things that you don't see.

So, you got..., sometimes you gotta consider and find out what's going on. And that's why I'm here, to let you know that we have been..., been partnering with them for years. And we have a lotta, lotta people in our organization that, that supports them.

And we're gonna continue to support them. Ellen and the group has done great. So, I'm here on just behalf of MAMA and the Youth Recreation Association to say stand behind what's been going good for our City. There's no need to change. And I think ev'..., everybody understands the, the, the ram and the scope of they have done, and what they're gonna continue to do, even with our City, our Council. I think it..., it's, it's just great.

So, I ask you that you just continue to support them. We are. And, if anything, I'm sure that you guys need in the community from Ellen or the [stammer] Waste Management, give them a call. Talk to them. But just give them a chance and I think they deserve our support. And if it's not broke, let's not fix it.

Thank you.

Chairperson Lanier: Thank you.

City Clerk Anthony: J.B. Dixon, Delores Williams, Bessie Brown.

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

You know, many times when all of us come up here, we come up with some kind of a gripe or a criticism. And, I think that one of the things that we should do is occasionally use this forum to talk about the good things that have been happening in our City.

I just got, several days ago, the newsletter from the City and I was surprised to hear that our firefighters, thirteen of them, had been called up to help at Surfside. And I think that's, you know, an incredible thing that our people did, and I would like to recognize those thirteen people tonight. And also, to send a long to Chief Curd... I posted that on Nextdoor. And Nextdoor Singer Island, and many of the neighborhoods on the westside of the bridge also belong to Nextdoor Park Manor, Long Pine, things like that.

But..., and so I was expecting people to say, 'Hey, that's great.' You know, people from our City and our neighborhoods. The remarks that came in congratulating Riviera Beach and its firefighters, came in from, you know, Jupiter and Palm Beach Gardens and Royal Palm Beach, and West Palm Beach and areas that I didn't even recognize. Over three hundred people, and that really unheard of on Nextdoor, three hundred people hit the like button on that. Between the post I made, and another one that Councilwoman Botel made, it was, like, three hundred and fifty I think. And, the, the people who took the actual time to write their congratulations were also almost close to a hundred.

And, I don't know if anyone here knows who those people are, but I don't and I would just like to read their names into the record because that must've been a, a horrible

experience for them. And I believe that they were not assigned to it, but they were asked if they would volunteer to represent Riviera Beach in that tragedy.

The Captain was Adam Piesecki, the driver was T.J. DiGangi, the Engineer was Brandon Katts, the Driver Engineer was Eric Gitler. Another Driver Engineer was Kristen Berthold, a lady firefighter you guys. [Chuckle]. Also, Daniel Tran, Nick Lozito, Darian Nelson, Elizabeth Hautamaki, David Morrison, Phil Lewis, Jason Patton, and David Trice.

I wanted to thank those thirteen people for making our City look so good.

Thank you.

[Applause]

Chairperson Lanier: Thank you.

City Clerk Anthony: Delores Williams, Bessie Brown, William Wyly.

Ms. D. Williams: Good evening to the Council.

Chairperson Lanier: Good evening.

Ms. D. Williams: And the citizens of Riviera Beach.

And the solid waste, you've been giving me good service. I don't know what is gonna happen tonight.

But I'm here tonight to..., I would like to honor the Police Department for the great job they have been doing. I know they help me out a lot.

But I just wanna say some things here. Now, you know when I get up here, I'm gonna talk about westside, and I'm gonna talk about Stoneybrook, and I'm gonna talk about Singer Island. 'Say you shouldn't get up with all these criticism or saying nothing. You're talking about the City, we're talking about what parts are not beach reached.

And we want everything to..., somebody gotta say reach for the whole City. Nobody say, 'No, don't say nothing about the west. It's on the east side.' Okay. Right there on 13 and President Obama Avenue, I came here about two years ago and I asked them why can't you put up a wonderful grocery store, a bowling alley, a skate rink, something for our youth?

Tell me, what did they put up on the corner of President Obama and 13th Street? A big ole empty warehouse. Right across on the other side, another big ole empty warehouse that we've been coming here for the past two or three years asking you all...

I see some of the things that we got up here, as people in the City and recommend to you that you're [inaudible]. Some of you might not accept this here but, about six years ago, one of the Council... And this is another thing, ya'll always get up and say, 'Oh, what a Council be for? They didn't do that. And they didn't do that.' Some of you was working right on that..., with that Council. What did you do on that Council that year?

You had the Council Davis brought the same thing what ya'll doing. I done been to some of ya'll meeting had the same posters and all this stuff up here. But all what ya'll are tryna say, you're gonna renovate the, the City and do all this stuff. Ya'll didn't even work with him, some of ya'll on the Council. And he brought everybody, engineers, everybody, pitching everything for ya'll to go by.

And then look at this... This is what I wanna say. Monroe Heights residents, they gave them \$4MM to fix the bridge over in Singer Island. They came into the last Council meeting, 'Please, give me.., give us that other million dollars.' That's \$5MM. What did you do to Monroe Height? You still got the white line through the center, cars got to park on the sidewalk,. People can't do this and can't do... I wanna know what you're gonna do on the westside.

You got Broadmoor, Stonybrook. Now Broadmoor's [inaudible]. But they say they got new owners and all this and stuff they're gonna do. One person said they're gonna [inaudible], with thirty-two apartments with the new furniture. It haven't been, 'haven't been done yet. I guess they're gonna get there with the management.

But I wanna let ya'll know, people of Riviera Beach aren't gonna come in the City and I'm gonna take a, a Charter. And I want everybody to sign.

Chairperson Lanier: Thank you, ma'am.

City Clerk Anthony: Bessie Brown, William Wyly, Mary Brabham.

Ms. B. Brown: Good evening.., good evening, Council. Bessie Brown.

I'm.., I'd like to know what is Jonathan Evans' salary at, at the CRA? I'd like to request a copy of the 20-19-20 presentation on the July 7, 2020 Agenda, which I req'.., I requested. And I'd like to pick it up by Friday.

And the new Reimagine workshop that we had, those things were act'.., actually submitted and presented to Council in 2015. So, if we're on the ball, we're on the ball about five.., about, about six years later. And all that stuff has been.., was in place when, when Terrence went out and brought the people in to survey the land and all of that and got.., and got all of this stuff set up for you all to use that, that's so good. Terrence Davis did this, and I, you know, and I, and I wanted to tell you because this, this is nothing new.

City Clerk Anthony: William Wyly, Mary Brabham, Doretta Paulk.

Mr. W. Wyly: Good afternoon, Board. My name is William Wyly. I'm born and raised here in Riviera Beach, Federal Gardens.

And first of all, [stammer], to thank Mr. Evans and the Parks & Rec Department for having.., we had a baseball.., well, softball game a couple weekends ago and it was something that was very good for the City and for, for everyone to get to see it.

The only thing I will ask is that if it can be advertised a little bit more 'cause a lotta people wanted to participate and be able to enjoy the festivities also. So, hopefully, next time we can actually get a little more people involved with it. And, and have a little fund.

And, hopefully, we can get the City together, to start working together doing projects such as roller skating, which Parks & Recs are doing right now. And, bowling. Or whatever program we can for, for the kids. And also for the adults.

One major thing I wanna talk about also was, we have a neighbor in my neighborhood, we just met. And, kinda giving a, a welcome to the, to the community and that neighbor stated that there was a water leak somewhere and it had been leaking for about seven or eight months. So, we hopped in our vehicle and we hop'.., we go over to the.., that area and it was over on... [inaudible] have that address here, I think it was on 10th Street and Avenue I.

And, we go over there and we look and you can hear it, and the water is just running into a certain area, and then it's running right into the sewer and everything. So, we contact a few people, and I think it's, it's taken care of.

But, the bottom line is that I want everyone in the community to be able to understand this, if something like that happens and you see something like going on in the community, don't assume that someone else is gonna take care of that because if that's something that's pertaining to our water bill, and the reason why our water bill is so high, that could be the reason. She said it was running for eight months. That's just what she saw. It coulda been there for a couple years.

So, hopefully, that situation is taken care of and we can get it fixed. And, hopefully, if something like that every happens, please call.., call up to the City and let them, let them know because I'm pretty sure our Public Works Department is awesome and they will go and get that taken care of as soon as possible.

Another thing I wanna talk about was accountability and transparency with our government. I take that back. Let's go back to something else.

A couple residents have contacted me about the situation about the Alpha project and the rental agreement. And, I would like to know when will that come back to the Board? I think that's something that's very important and if we were gonna put Rivera Beach first, and that's something that we need to get done in our City, we wanna.., people wanna talk and address that situation and make sure that'll get that fixed as soon as possible.

And, on the last part. Tradrick. Tradrick talked about something that was very important, I think, at one point. He talked about having the resumes and everything. And I agree with what Tradrick said in that situation because we wanna have accountability with who they're hiring and what job you are doing and everything. The only problem that I may have with that is that we don't want our Boards to be able to determine who's being hired at our facilities and everything.

But, I do understand what he was saying and it does make a lotta sense.

Alright. Thank you.

Chairperson Lanier: Thank you, sir.

City Clerk Anthony: Mary Brabham, Doretta Paulk.

Ms. M. Brabham: Good evening. Mary Brabham, Riv'..., Riviera Beach.

I'm gonna bring a little humor in here. First of all, I'm gonna say that our deepest condolences goes to Charles Teague family. Mr. Teague passed away. And those that you know Ann Teague and Sabrina. So, our deepest condolences goes out to you.

A big shout out goes out to Mr. Amon for his recovery, as well as Charisma. Ms. Brabham love you from the heart and all of the other officers that are a little ill. I say, a speedy recovery to you.

Okay.

Councilperson McCoy: Clarify. Who..., what officer?

[Chuckles]

[Inaudible comment]

Ms. M. Brabham: Chari'...

Councilperson McCoy: Right. So.

Ms. M. Brabham: [Inaudible].

Unk. Audience: Phillips.

Councilperson Lawson: Phillips.

Ms. M. Brabham: Phillips.

Councilperson Lawson: Phillips.

Ms. M. Brabham: Ms. Phillips. [Inaudible]. Thank you.

Councilperson McCoy: Okay.

Ms. M. Brabham: Okay. That, that was some seconds.

Councilperson McCoy: We, we [stammer]...

Ms. M. Brabham: [Inaudible]. Okay. She's sittin' over there.

Councilperson Lawson: [Chuckle].

Ms. M. Brabham: That was some minute that was taken away from me, so please let me start. Okay. Please. Don't take anything from me. Okay? Thank you.

I'm gonna bring some humor in here.

Chair Pro Tem Miller-Anderson: You already did.

Ms. M. Brabham: 'Cause see, we put it on last Saturday, Saturday over there at the Dan Calloway Rec.

[Chuckles]

Ms. M. Brabham: We put it on. The City of Riviera Beach presented and came together against crime coed community softball tournament. And I'm gonna tell you what happened over there.

It was six teams. Tradrick McCoy was out there in the field. He was struck out.

[Chuckles]

Ms. M. Brabham: Mr. Jonathan Evans, he was the pitcher. He was pitching like he was playing professional [inaudible] out there.

[Chuckles]

Ms. M. Brabham: Sweating like a champ. The Monroe Height youth.., oh don't ya'll babies worry, Ms. Brabham got ya covered. Terry Braydon came over because they was having a little.., the NFL, you know, [inaudible] over there. So, Elam and, and Terry Braydon.., Braydon. You know the, the Kansas City Chief that won the Super Bowl, he came over and he gave my little man some encouragement, 'That's not right.'

Chair Pro Tem Miller-Anderson: That's right. Keep going.

Ms. M. Brabham: Okay? Gave the little man a little.., a, a, a little encouragement.

Marie Davis, she hit a.., hit and made it to first base. Kudos, Marie.

[Chuckles]

Ms. M. Brabham: Firefighter Curd, and you and the paramedics, you flamed every last one of them. You flamed my children, you flamed Mr. McCoy, you flamed Ms. Marie Davis. You flamed every last one of them. And Lawson came over from over at the gym, so you know, he was running all around. 'Cause he waws trynna figure out what was going on.

[Chuckles]

Ms. M. Brabham: The firefighters flamed everybody over there. Chief Curd, Ms. Brabham here to...

Chairperson Lanier: Thank you, Ms. Brabham.

Ms. M. Brabham: ...tell you.

Chairperson Lanier: Thank you so much.

[Inaudible comment]

Councilperson Botel: Madam Chair [inaudible]...

Ms. M. Brabham: ...you will not get away with that.

Ms. Gwen Oaks...

Chairperson Lanier: Ms. Brabham, thank you so much.

Ms. M. Brabham: ...bring the girls.

Chairperson Lanier: Okay.

Councilperson Botel: Madam Chair?

Chairperson Lanier: Thank you so much.

Councilperson Botel: Madam Chair? Before she... May I? Just quickly.

Ms. M. Brabham: So, both...

Chairperson Lanier: Go ahead.

Ms. M. Brabham: So, both of...

Councilperson Botel: Now, Ms. Brabham...

Ms. M. Brabham: ...[inaudible].

Councilperson Botel: Ms. Brabham...

Ms. M. Brabham: So he won't knock you down.

Councilperson Botel: Ms. Brabham and I made a deal that we would do..., we would go against the firefighters but they had to have their shoes tied together. That makes sense, right?

[Chuckle]

Chairperson Lanier: Right.

Councilperson Botel: They were excellent. Really.

Ms. M. Brabham: [Inaudible]...

Chairperson Lanier: Thank you so much.

City Clerk Anthony: Doretta Paulk.

[Chuckles]

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

And I'm just here to commend Mr. Jonathan Evans. You know, I heard on the news a couple of weeks ago that when we talk about these warehouses and stuff like that, Amazon is coming to Riviera Beach. This is jobs for our citizens, our residents.

These are jobs. He is moving this City. This is..., they say that..., some people say that this Imagine Riviera Beach was the other Council' idea? That this is not something new? Did they act on it? Did they implement anything? This young man should be commended for all he does for the City of Riviera Beach.

So, another thing, the mural on the Library. Mr. McCray did an outstanding job on that mural. It was very delightful.

And I just wanna let you..., everyone know, we have to come together to make Riviera Beach the proudest City in our Palm Beach County. 'Cause it is gonna be that. And he does have a vision, and he is taking us forward, not backwards. So, I just wanna commend Mr. Evans for all you do. And also, City Attorney Wynn, 'cause I'm sure she helped with this situation. But we are on the move and we are on the right track.

And I thank you very much.

Chairperson Lanier: Thank you, Ms. Paulk.

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

Chairperson Lanier: Thank you. Mr. Evans, would address some of those issues that were raised by the residents?

City Manager Evans: Yes, Madam Chair.

Councilperson McCoy: Starting with the officer, Mr. Evans, if you don't mind.

[Chuckles]

City Manager Evans: Yes. Officer Charisma is here to my left. So...

Councilperson McCoy: Oh.

City Manager Evans: ...I'm assuming she's doing okay. But yes, we, we have some folks that are, that are out and certainly wish that you keep them in your thoughts and prayers as we are still battling COVID in the agency.

With regards to the sign age on Blue Heron. There will be a project board and some signage that will be placed on the fence once the demo contractor concludes. After the demo contractor is done on the Walgreens' site, they will move to 2600 Broadway to commence demolition there. I've asked Staff to secure that site, and then move forward with the demolition of that particular structure.

One of the challenges associated with that demo, that it won't be as fast as we would've hoped, is that FPL relocated some of its critical infrastructure on that site, and so we've been working with FP&L to get that resolved and then move forward with the subsequent [stammer] destruction of that, or demotion of that particular facility. And then obviously, based on the direction provided by the Board, going out to get a solicitation together to move forward with a public private partnership on that site.

With regards to the property that's adjacent to Ms. Larson, what we are going to do is, we'll look at the operational hours and the conditions in the Site Plan, and see if there was any stipulations in regards to when their hours of operations would be, and then we'll look to resolve that particular matter, and then some other issues that Ms. Larson communicated in her correspondence.

With respect to the comments that Mr. Brown made related to the development group and those that are involved in Marina Phase 2, the CRA Board will be discussing some elements associated with that particular project. But we are still moving forward and the Board is..., we're seeking direction from the Board to move forward with the financial analysis of the developer and their ability to bring the project to life. So, conceivably, you'll hear about that at your next regular meeting.

The property on the corner of 13th & Obama, that property was never owned by the City. That property was owned by a private outfit. And working in collaboration with that developer, we were able to get Amazon to occupy that particular space. And they have actually acquired the parcels adjacent to it, to be able to accommodate their operation. They are signing, I believe, a twenty-five year lease with a twenty-five year automatic renewal, and then they do own the parcels adjacent to that

. It's anticipated that they will have about two hundred jobs, and they will work with the City of Riviera Beach with regards to filling those jobs, where the minimum wage is \$15 an hour. So, we're thankful of having an employer that is paying a livable wage.

With regards to my salary with the CRA, that's very easy. The number is zero.

[Chuckles]

City Manager Evans: I've been in the position for nine months, six days, twenty-three hours, fifty-four minutes and about eight seconds. [Chuckle].

And, the inquiry, as it relates to the audit. The audit is available online and we can make a hardcopy available at the City Clerk's office tomorrow, or at the Finance Department. Whichever the individual chooses to pick it up, we'll have it available by end of week.

And that concludes my comments, Madam Chair.

Chairperson Lanier: Yes. Thank you so much.

City Attorney Wynn: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

City Attorney Wynn: I'd like to address the, the comment by Mr. Wyly. I'm in the process of compiling the changes to the lease agreement with the Alphas, and I will have those changes to them early next week and we'll begin negotiating then.

Chairperson Lanier: Very good. Thank you.

Madam Clerk.

16. City Clerk Anthony: Madam Chair, Members of the Board, we're now down to Item No. 16.

City Clerk Anthony: RESOLUTION NO. 86 -21 A RESOLUTION OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA (THE "CITY") AUTHORIZING THE ISSUANCE OF THE CITY'S PUBLIC IMPROVEMENT REVENUE BONDS, SERIES 2021 (THE "SERIES 2021 BONDS") IN THE INITIAL AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$35,000,000 FOR THE PURPOSE OF FINANCING THE SERIES 2021 PROJECT; DESCRIBING THE SERIES 2021 PROJECT; DETERMINING CERTAIN DETAILS OF THE SERIES 2021 BONDS; APPROVING THE FORM OF A SUMMARY NOTICE OF SALE AND A NOTICE OF SALE AND AUTHORIZING THE PUBLIC SALE OF THE SERIES 2021 BONDS; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF THE SERIES 2021 BONDS; DELEGATING AUTHORITY TO PROPER OFFICIALS OF THE CITY, IN CONSULTATION WITH THE CITY'S FINANCIAL ADVISOR, TO ACCEPT, PURSUANT TO A COMPETITIVE PUBLIC SALE PROCESS, THE BID OR BIDS OF THE LOWEST QUALIFIED BIDDER OR BIDDERS FOR THE PURCHASE OF THE SERIES 2021 BONDS, SUBJECT TO CERTAIN PARAMETERS AND OTHER MATTERS SET FORTH IN THIS RESOLUTION; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF AN OFFICIAL STATEMENT IN CONNECTION WITH THE OFFERING AND SALE OF THE SERIES 2021 BONDS AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND THE OFFICIAL STATEMENT; APPOINTING A PAYING AGENT AND REGISTRAR; AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYING AGENT/REGISTRAR AGREEMENT; PROVIDING FOR THE FINANCIAL ADVISOR TO MAKE RECOMMENDATIONS REGARDING WHETHER TO FUND A SERIES 2021 RESERVE SUBACCOUNT, AND WHETHER TO OBTAIN A BOND INSURANCE POLICY AND/OR RESERVE ACCOUNT CREDIT FACILITY FOR THE SERIES 2021 BONDS AND AUTHORIZING THE CITY TO FOLLOW SUCH RECOMMENDATIONS; AUTHORIZING THE SERIES 2021 BONDS TO BE REGISTERED UNDER A BOOK-ENTRY ONLY SYSTEM OF REGISTRATION; AUTHORIZING THE PROPER OFFICERS OF THE CITY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE SALE AND DELIVERY OF THE SERIES 2021 BONDS; AND PROVIDING FOR AN EFFECTIVE DATE.

**RANDY 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 comments on this Item is now closed.

Councilperson Botel: Moved to approve Resolution No. 86-21.

Councilperson McCoy: Second.

Chairperson Lanier: Very good.

Mr. Evans.

City Manager Evans: Madam Chair and Members of the Board, if I can have the Director of Finance and Administrative Services, Mr. Randy Sherman, make this presentation.

Chairperson Lanier: Thank you.

Mr. Sherman.

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

The Resolution you have in front of you is the official action by this Board to authorize the issuance of Series 2021 bonds, up to \$35,000,000 for Project 2021. Definition of Project 2021 is Stations 86 and 88.

As you can see from the header ready by the City Clerk, this Resolution does go into a lotta detail about how these bonds will be issued. They will be done competitively. They will be awarded based on the lowest qualified bidder or bidders. And it lays out, again, a series of steps about issuing the official statement, issuing the notice of sale, setting up the, the paying agent, which is the individual or group that, that we pay, that then they pay the bondholders. So, there's a lot of details in this Resolution that lay out the process that'll be followed for the issuance of the sale.

After tonight, if this is approved, the process does go rather quickly. Then the next..., on Monday, we would have rating agency presentation to get our rating next week. We would then issue the notice of sale, somewhere probably around the second week of August, get our bids in a week later and close by the end of August.

I can take any questions, and I know you wanna take public comment, but just so you also know, bond counsel and the City's financial advisor are here to take any questions if you have any for them.

Chairperson Lanier: Very good. Public comment.

City Clerk Anthony: Mary Brabham.

City Manager Evans: Madam Chair, if I may?

Chairperson Lanier: Yes. Go ahead.

City Manager Evans: As this is germane to, to the presentation. Staff also, the third week of August, is going to have a series of community meetings to speak to the community in regards to the conditions of Fire Station 86 and the placement of Fire Station 86, as well as sharing some of the nuances and some of the components that are incorporated in Station 88. And then, ultimately, how we would look to fund those particular stations, as directed by the Board.

And then once we get the community feedback, we'll be able to bring that back to you for consideration when that is ready to come before you for the closing of the loan.

So, we did wanna let you know that we're gonna do some community outreach associated with those projects, and the funding associated because we've discussed the fire assessment component, and so we're going to engage the community and share with them how that can be utilized as a mechanism to act'.., actually fund the construction of the Fire Stations.

Chairperson Lanier: Thank you.

Ms. Brabham.

Ms. M. Brabham: Ms. Mary Brabham, Riviera Beach.

As I said before, [stammer] the City facilities, infrastructure within your government compounds and communities, is always revenue with bonds. Now, when this.., I would like for Mr. Sherman to give you.., explain to you all, when it said the entry.., entry only system of registration. Because see, I know that you all are probably thinking in terms, 'well what does that mean?' So I would like for Mr. Randy Sherman, or either the City Manager to explain that, you know, to you all.

Mr. Sherman did state that it will be put out for bids, and you have an inuendo.., you, you know, the process that is used in, in, in, in correlation of your bonds. And, he did say in August, and this is a process. And it'll go very quickly. So, those were one thing that I wanted to.., the Manager, or either Mr.., the Finance Director to, to let you all know when he says here, only the sy'.., only.., the entry only system of registration. Pertaining to these bonds. Okay?

Thank you.

Chairperson Lanier: Thank you...

Ms. M. Brabham: [Inaudible]...

Chairperson Lanier: ...Ms. Brabham.

Ms. M. Brabham: ...encourage the Council to move forward because we cannot continue to allow our buildings to crumble, and our infrastructure to just to keep on cracking and molding and, and our buildings are infested, so that we can move forward. So, I, I'm encouraging the Board to please move forward.

Thank you.

Chairperson Lanier: Thank you.

Any questions from the Council in regards to this Item?

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson Lawson: And, thank you, Mr. Evans, for addressing the community charettes and conversations because, based on our Agenda review today, that was my biggest concern is, making sure the residents understand where we're spending money, how we're gonna be spending money and how we're gonna fund these projects. So, thank you for addressing that and hopefully the residents will participate. Because the same way they came out for all the Reimagine events, I want them to also be a part of all the, the funding and finance meetings, so that they can understand exactly every dollar that's gonna impact their children's children. Every bond that we take out is gonna be a part of these bills and these residents are gonna be paying for years to come. So, please make sure you participate.

And also, Mr. Evans, I wanna make sure that we continue to find multiple streams, in addition to creative items, to help funds these projects because, like I said before, we have about a half a billion dollars of development we're gonna be putting in the ground in the next three years. Three to five years. So, I wanna make sure that we can come up with as many creative possible ideas to fund these.

Thank you, Madam Chair.

Chairperson Lanier: Thank you, sir.

Any other questions for Mr. Sherman, in regards to this Item? [Pause]. Madam Clerk.

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: Yes.

City Clerk Anthony: Councilperson Botel?

Councilperson Botel: 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.

Finance and Administrative Services Director Sherman: Thank you.

Chairperson Lanier: Next Item.

17. City Clerk Anthony: Madam Chair, Members of the Board, we're now onto Item No. 17.

City Clerk Anthony: **RESOLUTION NO. 73-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, TO RECEIVE ORAL PRESENTATIONS FROM THE GOODE COMPANIES, INC. OF FLORIDA AND WASTE MANAGEMENT INC. OF FLORIDA AND AWARD RFP 1011-21-2 FOR SOLID WASTE DISPOSAL SERVICES TO THE FIRM SELECTED BY COUNCIL; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT FOR EXECUTION BY THE MAYOR AND THE CITY CLERK BETWEEN THE AWARDED FIRM AND THE CITY OF RIVIERA BEACH (CITY) TO PROVIDE SOLID WASTE DISPOSAL SERVICES. REQUIRING; AND PROVIDING AN EFFECTIVE DATE.**

ALTHEA PEMSEL, PROCUREMENT DIRECTOR, 561-845-4180

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.

Chairperson Lanier: Very good. Mr. Evans..

City Manager Evans: Madam Chair and Members of the Board, just as a procedural Item, Resolution 73-21, we are asking that the Board uncouple that particular Resolution, as we will not ask for you to execute the Resolution this evening. We will bring back a Resolution when we do get direction from the Board as to who the number one ranked firm is, and then enter into contract associated with that.

So, tonight you will be sharing with Staff who the number one ranked firm is and then, we will then proceed forward with the negotiations for a contact. And then, bring that Resolution back for execution.

At this particular moment, Madam Chair, I will ask the Deputy City Manager, who's standing in for our Procurement Director, to make this presentation.

Chairperson Lanier: Before you get started...

Deputy City Manager McBride: Yes, ma'am.

Chairperson Lanier: ...let's be clear about how this is going to work.

Deputy City Manager McBride: Okay.

Chairperson Lanier: How.., we have two presentations, each from each of the bidders. You said they will thirty minutes. Does that thirty minutes include comments and questions in regards to that Item?

City Manager Evans: Th'...

Chairperson Lanier: to their submission?

City Manager Evans: That's thirty minutes for each of them, not inclusive of their time... or, the time for the Board to ask any questions.

Chairperson Lanier: Alright. So thirty minutes each. Madam Clerk, could you put the timer on for each presentation?

City Clerk Anthony: Media?

Deputy City Manager McBride: Okay.

Chairperson Lanier: Very good.

Deputy City Manager McBride: Alright.

Chairperson Lanier: Ms. McBride.

Deputy City Manager McBride: Okay. Madam Chair and Members of the Council, the solicitation that is before you tonight, relate to solid waste disposal services, RFP 1011-21-1-2. Excuse the dash 1. It was issued on March 7, 2021.

And responses were received by the City on May 14, 2021. And proposals were received from the Goode Companies, Inc. and Waste Management. The proposals, or responses, were reviewed by an Evaluation Committee consisting of four City Staff members and a member of the City of West Palm Beach Public Work's Staff on June 10, 2021.

As a part of that process, the Evaluation Committee did not conduct any interviews of the respondent. And tonight, with your permission, we'd like to proceed with this matter as follows. A presentation on the evaluation criteria that was outlined in the RFP; results of the Evaluation Committee members' scoring of the proposals and the differences in the proposals as provided in Page 2 of Mrs. Pemsel's Mem'., Memorandum to you. Page 2, Paragraph 2.

Chairperson Lanier: Where is Mrs. Pemsel?

Deputy City Manager McBride: She's had a medical emergency.

Chairperson Lanier: Okay.

Deputy City Manager McBride: She ended up having to have surgery on Friday. Okay. Excuse me. Okay.

Followed by presentations by the respondents in alphabetical order.

And for the City tonight, I will go over the Evaluation Committee information. If the Council has questions about the history of technical matters related to the proposal, we have here Mr. Cedrick Clark, Interim Director of Public Works, and Mr. Terrence Bailey, the City Engineer. Any questions related to the pricing or Fee Schedule, we have here Mr. Sherman. Okay?

Chairperson Lanier: Very good.

Deputy City Manager McBride: Right.

If you look before you, the Evaluation [stammer] criteria that was utilized by the Committee related the qualifications and experience of the firm, looking at years of experience, licenses, experience with projects of similar scope, other pertinent information, to demonstrate the proposer's capacity necessary to perform the work being required by the RFP.

The maximum amount of points a, a proposer could get in this area was twenty-five. And, as you see, Waste Management ended up with a total score of 124 from the evaluators. Goode Company, 120. We also looked at the organizational profile, examining the qualification and experience of the project team; assessing personnel assigned to the City project, subcontractors that demonstrated experiences [inaudible]...

Chairperson Lanier: Let me interrupt you. I'm sorry, Ms. McBride. I'm, I'm not following. If the maximum is twenty-five, I mean, 124 and 120. How does that work?

Deputy City Manager McBride: Five times five.

Chairperson Lanier: Oh, it was..., it's five...

Deputy City Manager McBride: I think..., we have five proposers, I'm sorry. We have five evaluators.

Chairperson Lanier: Oh, I see.

Deputy City Manager McBride: So, each one of them could've given them...

Chairperson Lanier: I see.

Deputy City Manager McBride: Okay. Five. Excuse me. Okay.

Chairperson Lanier: Very good.

Deputy City Manager McBride: Alright.

The maximum points... Well, let me go back. Under the organizational profile, the qualification and experience of the project team. We also looked at licenses, references, and projects in a municipal and private sector. The maximum points that the evaluator could've given in this area was twenty. Waste Manager ended up with a score 97. And, Goode..., Goode, 95.

Okay. The third area examined was the approach to the scope of work, examining the proposals as to the vision and ideas that were presented by the proposers, the methodology they would use, whether or not the proposer submitted a Transmission Plan, community outreach being provided and the proposer's use of software in the carrying out of the services.

The maximum points that could be given a proposal by an evaluator was twenty-five. In this area, Waste Management ended up with 89. Goode ended up with 120.

We also looked at references from projects similar to those contained in the solicitation from prime and subcontractors. The maximum points available were ten. Each party ended up with a score of 50.

Equipment. Looking to see if they were utilizing environmentally friendly vehicles for the delivery of their services in the City. The maximum points that could be [stammer] given, was 10. Waste Management ended up with 44. Goode ended up with 47.

For the principle office for the primary proposer, we looked..., because we were requesting that they have a satellite office in West Palm. Neither party had an office in Riviera Beach... I mean, I use that term, excuse me. I said principle office in West Palm. Please forgive me.

Unk.: [Inaudible].

Deputy City Manager McBride: I meant Riviera Beach. But, in Riviera Beach, neither proposer had an offer..., office in Riviera Beach. So, no one could get the maximum point of 15. Both got points for Palm Beach County, because Waste Management does have offices in Boca and Boynton Beach. Goode has an office in Mangonia Park, we saw. And that's how come both ended up with scores of 10. If it was just in Florida, they would've been just 5 points.

Excuse me for going backwards.

When we look at the SBE or MWBE, ownership, the maximum point one could get was 15. Waste Management ended up..., fif'..., if there was fi'..., fifteen percent participation, you could end up with a point of 10. Less than fifteen, you'd end up with 5. Waste Management had less than 15. So, they ended up with a score of 25. Goode, is represented..., represented to be minority owned, so they ended up with a score of 75.

Under the free pricing schedule, we examined the firm's detailed budget, or Fee Schedule, for services. The maximum point that could be achieved was twenty. Waste Management ended up with a score of 80. And Goode ended up with a score of 100.

So, the..., based upon the scores of the Evaluation Committee, Waste Management ended up with a score of 559. And Goode 657. And that's just a score indicating the evaluator's scoring, each evaluator's scoring of the information, for Goode, as well as for Waste Management.

And if I move forward, just dealing with the deviations, Ms. Pemsel put on Page 2, about the satellite office, neither party indicated or had really a functional satellite office in their proposal. Goode did indicate that they would..., they have established a relationship with..., a partnership with Complete Contract Consulting, LLC, to have a call center that would operate from 8:30 to 9:30, Monday through Friday. 8:30 to 2:00 something on Saturdays. And they could manage four thousand calls a month, and four thou'..., one thousand emails.

Transition Plan. Waste Management does not send one..., send..., submit one. Goode did. There was a request that we..., that a bidder start off with 10,000 new carts.

Goode represented it would. Waste Management said they would provide two..., 2,000 new carts per year for residents.

And then the price. The present price for residential services is \$11.94. Waste Management proposal provides for \$17.34 per month. Goode's proposal provides for \$13.65 per month.

And then the MBE ownership. Both have MWBE participation. And one other thing that the Committee thought was unique was that, with Third Eye Software, both companies have it, but Goode promised to give the City direct access to the truck's location and the City could view what is happening. Whereas, with Waste Management, they have the same cap'..., capability, but we basically have to wait for pictures to come from them. So we don't really have direct access. Okay.

So, at this time, Madam Chair, we can move forward with the proposer's presentation, commencing with..., in alphabetical order.

Would you like...

Chairperson Lanier: Go ahead. Go ahead.

Deputy City Manager McBride: Okay.

Chairperson Lanier: Um,

Deputy City Manager McBride: And we, we have asked that if, if we're gonna start in alphabetical order, Goode would come first, and we would ask each team to please wait across the hallway as the team presents.

So, thank you.

Chairperson Lanier: Okay. So, the Waste Management group, you can wait outside until that..., this...

Deputy City Manager McBride: Right.

Chairperson Lanier: ...presentation.

Deputy City Manager McBride: Across the hall, yeah.

Chairperson Lanier: Mr. Walter, do you have the timer for this presentation?

Media Team: [Inaudible].

Chairperson Lanier: I need a thirty minute timer for this.

Unk.: [Inaudible].

Chairperson Lanier: Oh.

[Pause]

Chairperson Lanier: We have the clock, Walter?

Unk.: Yes.

Chairperson Lanier: Alright. Very good.

Media Team: [Inaudible].

Chairperson Lanier: Okay. Alright. Just alert me when the thirty minutes... Thank you.

So, the team of Goode..., Goode Companies, would you come up with your presentation, please?

Mr. W. Goode: Good evening, Members of the Board...

Chairperson Lanier: [Inaudible].

Mr. W. Goode: ...residents of Riviera Beach. My name is Willie Goode, Willie B. Goode. I'm here presenting our oral presentation to you all. We're honored to be here to present for our response to the contract. Let's go back here.. To RFP 1011-21-1.

I'll first by starting out introducing our team. This here have Willie K. Goode, the President and CEO of Goode Companies. Again, my name is Willie B. Goode. I'm the Chief Operating Officer, Adrienne Goode, also a co-owner, partner. She's not able to be here 'cause of traveling constraints. Team, if I introduce you, can you please stand and just wave? We have Tonisha Underdue, our office manager. We have, excuse me..., we have James Meredith, our operations manager, and we have Don Baldwin, our lead dispatcher and billing specialist.

And now I'm gonna turn this over to Willie K. Goode and he's gonna introduce our scope of work and our approach to service.

Mr. W. K. Goode: Thank you. Thank you, Madam Chair. Thank you, Council. We are very excited to be able to put a proposal in for the City of Riviera Beach. We are...

Councilperson McCoy: Can you speak up and talk...

Mr. W. K. Goode: Okay

Councilperson McCoy: ...into the mic?

Mr. W. K. Goode: Excuse me. We are very excited about putting in our proposal, RFP for Riviera Beach. We..., when we came in this area over two years ago, looking for a location. Our location in Orlando is right there off of 54th Street on Dexter, right in..., right at, at the borderline of Riviera Beach.

Myself personally, I started on back of a truck, basically at age of thirteen. And, every summer, my uncle had a..., owned a garbage truck in Washington D.C. And, that was the way to get out the inner city without getting in trouble. Me and my brother, my brother's sitting over there, every summer that's what we did. And I took a liking to the

trash truck business, to trucking business. And, at that liking, with my reading at school and.., and, just something to how I'm gonna support myself and, and help my mom and my dad out, for we can get outta the area that we was living in, I enter into owner-operator of a trash business at the age of 23. I started with one truck. I'm currently operating over three hundred trucks, one thousand employees. I'm very proud of, I call employees, my coworkers, because they're the heartbeat of what we do at Goode Companies.

The approach to work and, and trust me, my eyesight, it's leaving me a little bit. I ain't that old but...

[Chuckles]

Mr. W. K. Goode: so, we ha'.., we went out and performed route studies. Due to the fact I'mma operator myself, I personally did the route studies, along with my son. 'Cause I wanted to make sure what we was entering into, we're gonna do the best job for the City of Riviera Beach. And we, while doing that, we could [inaudible] site visits in every area of Riviera Beach. From the westside, all the way over to Singer Island. Everywhere we can get into, that wasn't gated, 'cause we didn't have codes or permission to get in, we, we entered it, we looked at the site from trash eyes. From our experience of what I've done, the heartbeat of what I've been living with for forty years of doing.

And, that was able for us for us tour proposal together, able to see what currently, what's being done now and to see how can we make it better. So, that was our whole approach.

So, if you could see, there's some of the pictures of many we took. And, I'm showing some of the neighborhoods we went to, showing some of how the current operation was doing. So, what we do, we take that, we go back to our war room, our boardroom with our management staff [inaudible], and we create how can we make it better? And we saw a lotta things that we will do to make it better, and that's [inaudible] approach, answer the phone, get it done type of system.

You know, we have no excuses, we just make it happen. And that's what made me, I guess, a, you know, to still be here after thirty years from one truck to three hundred plus trucks, coming from Washington, D.C. and being the first minority to enter the State of Florida as a minority haul.

The system that they mentioned about the Third Eye System, it's like, [chuckle], it's on live. The, the truck itself have five cameras on it,. One inside the cab, two facing the right and the left, front and two facing the right and the left rear. So that way we can show that we really hit.., went down the street. Was the trash can out at the time? Did we place it back right? And any incidents happen, it can show live feed. Not only that, it's a safety component.

It really make the men and women do much better 'cause, you know, it's not to, to watch them, it's just to watch what we do as a company, our service, and make sure we don't impact anybody at risk, because we don't want anybody to get hurt.

The Transition Plan. Transition Plan is just a list of stuff that we will do if we were the awardee. But one thing that we pride ourselves in, in is, especially with Kirk Goode, and Kirk you, you know, wave your hand again. Kirk is, [chuckle], we call him our special team project manager. So, I will say, 'Kirk, we just got this contract.' So, Kirk will come on site and as all equipment come in to be, you know, presented and provided in the City. Kirk will schedule it, he'll have a team to put it out, make sure it's labelled right, numbered right. And, of course, look good, like our name Goode. We, we want it to look good. Plus, Kirk helps the team out when day one go, Kirk stay on site and stay for up to ninety days to make sure we are getting the job done, that the City of Riviera Beach deserve.

New equipment. Our goal is, we will provide brand new trucks for this contract. We have a good relationship with the Mac Company, Peterbilt Company, the company to provide the bodies, which is Howell and McNeilus. I'm in a group that I'm the, the only minority in this group of CEOs in the waste collection business, where all CEOs get together. And it's, it's fifty percent haulers, twenty-five percent equipment companies for the trash business, and twenty-five percent finance companies, that, that, you know, give loans and bonds. And it's a great... I've been four years in it now. And this was a group that you had to be asked to be in. You cannot put a..., file a paper to be in. And I was honored to be in this group.

So, with the new trucks, eight of the new trucks will have which on the side of the body, placards where the City of Riviera for free advertising, can pri'..., say whatever they want printed, and we will put 'em on the side of our trucks. So, if we wanna promote a meeting, say something about the event, or just promote the City, it will be on the side of the trucks, running the City every day. Eight of the trucks. For the whole term of the contract.

Plus, we looked at it. Right now, the City..., the streets are green. We want the City to choose what color they would like to have. We want the City logos to be on side of the cans, just like that. Plus, there will be a serial number on front of the can that every resident will know what their number is. If they forget it, they can call, we can hit the number in the system and they can go find their can, if it mix up with other cans on the corner. So, if somebody come and bring a can in the wrong way, they can go look at the front of it and get that serial number, and bring that cart back.

Mr. W. B. Goode: Now, I'm gonna talk..., I'm gonna talk about our participation and local hiring. This, this will be my third City Council meeting that I've attended. Just being in, in the room, and being here today, we definitely understand the passion and the care that you all have for the City. So we definitely want to..., we wanna be a part of that. We, we want to local, local hire, make sure we're participating well, make sure that we're communicating with you guys.

And, with that being said, I would like to introduce one of our subcontractors, Taylor & Gamble, and they will explain their role..., what, what role they will have with us.

Mr. F. Gamble: Good evening. My name is Fred Gamble. This is my partner, K.T. Taylor, of Taylor & Gamble. And basically, we're one of the SBE's that will be, will be working with Mr. Goode for this project.

When we're not operating as a Firefighter... I've been a firefighter for twelve years. K.T.'s a state officer. We, we've been managing and oper'..., owning and operating the company, trash can cleaning and maintenance in Palm Beach County for the last four years.

We met Mr. Goode probably about three years ago at a self [inaudible]a SWAT event, where they was trying to basically network minority businesses with some of the, the solid waste government contracts. In that time, Mr. Goode has basically, provided us a mentorship, and he really, like, tied us and exposed us to the, the business of solid waste.

For this process, we'll be responsible for areas of grapple pickup and roll off services and trash bin cleaning.

At this point in time, I want to introduce you all to our second SBE partner, Ms. Sharna.

Ms. S. Barnes: Thank you so much, Fred. Good everyone. My name is Sharna Barnes. I am the CEO of Complete Contract Consulting, and on this project, I will be in charge of any of the outreach opportunities that have been expressed in our proposal, and what we will be talking about more in our presentation.

And also, we are a certified small minority, women owned business. We are registered. And, is here in the City of Riviera Beach, right there at the BB&T building, on the second floor. So, we'll also activate our call center. We understand the transition from a new incumbent..., old incumbent to a new incumbent can be a bit hard, so we wanna ensure that we provide customer service agents for all your residents and your..., all your commercial customers to answer any questions, changes in schedules, or anything to ensure a smooth transition. If we are awarded.

Thank you.

Mr. W. Goode: Again, just adding to, adding to the local hiring piece. As, as Sharna stated, we want to be able to employ, if we are awarded, we want to be able to employ, the older incumbents, employees. We wanna make sure that, you know, they're not left without a job, if we're awarded. And we also want to make sure that we're hiring right here in the City of Riviera Beach. We wanna make..., we'll, we'll..., we wanna offer..., we'll have job fairs. All the, all those type of things to make sure that we are providing, you know, the people of Riviera Beach, with, with jobs.

And, and that, and that brings me to my next slide of our outreach. Again, just, just realizing how much you all care of the ci'..., care for your guys' City, and your all community, we, again, wanna be a part of that.

So, we, we..., we, we sat down and we decided, okay, what, what all ways we can, we can commit, show the City that we are committed? So, our, our first thing we have is our DCI Commits Program. We want to provide at least \$3,500, yearly, to up to five City sponsored events and charities including, but not limited to, Martin Luther King, Jr. Day, Juneteenth, Thanksgiving and Christmas events. Just, just making sure that we are

providing, and we are lock step with you guys, any charities and events that you have..., all have going on.

Also, we have our, our Riviera SBE rate. That, that, that's pretty much..., we want to give five percent discount for services for all Riviera Beach commercial customers, that are small business certified by Palm Beach County, and located inside the City limits.

Then we have our 1098 Route Complete Program. This is our school program. We wanna partner with you guys, partner with the City, and we want to provide book'..., bookbags and supplies for middle school, elementary school students. And also, the ninth and tenth grade, we wanna do an annual field trip to our sites, to view our trucks, and to see how the operation goes on, on a daily basis.

And for our eleventh and twelfth grade students, we want to provide them with internships, whether it's a paid internship or those hours go towards their community service, we wanna make sure that we're..., that we're giving back to the community. Not only for, you know, for, for the, the ho'..., the homeowners, but also their children as well.

That brings me to our, our support. Now, we have, we, we call it our Clean City/Green City. So, twice per year, we want to provide, with no, with no charge, cleaning services from our contractor, Taylor & Gamble, to pretty much come to all government facilities, clean, clean the front of dumpsters, clean the toters. Also to Fire ho'..., firehouses, police stations, and to the schools. And then, we also want to be able to provide that same service for the residents that are seniors, that may be, that may be disabled, and to our veterans, that pretty much twice per year, they get their container cleaned, no charge for those, for those residents.

That brings us to our questions. Oh, I'm sorry. We wanna..., Mr. Goode's gonna close out, then we'll have questions.

Mr. W.K. Goode: So, [chuckle]. In closing... Not in closing, but we'll, we'll be ready for questions after this.

Because I've done it from all aspects around a truck, doing the collections, our heart is into it, our team is into it, we all act as one. When we go out there, we actually do it together. We're gonna continue to do it together. I'm very proud to be standing here. I'm very proud to be selected. I, I like the scoring that was, you know, presented. But I'm really very proud of what I'm able to do after thirty years of business, to bring others on. You know, to get give them the opportunity. And, and not only, you know, saying, 'Hey, there's some work to do,' but I'm there for them to say, 'Look, when you be successful, I can show you more successful ways,' but we can keep teaching others, and, and keep growing as people and humans. And, and we all, you know, happen to be minorities, and we wanna just keep this minority strength strong.

But the trash business is who we are and we do it good. No pun intended to the name, but we do it good.

Chairperson Lanier: Very good. Do we have any questions from the Board in regards to this Item?

Councilperson Botel: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson Botel: Yes. If you win the bid, I, I don't see this in the Transition Plan, or maybe I missed it and maybe you just said it. If you win the bid, would you guarantee to hire the eleven Riviera Beach residents that are now employed by Waste Management?

Mr. W.K. Goode: Absolutely. In the trash business, it, its' been known, when you take over a service like this, and, and, and the men and women that work for the current company, they like what you call..., they like there routes.

Councilperson Botel: Yeah.

Mr. W.K. Goode: You know, because they are used to it. They, they know the residents, they know that commercial buildings. And, absolutely. That's, that's how I've been successful in our growth, we have had a track record of at least seventy-five percent of transition from the men and women from current routes over to us. One of the reasons is, 'cause we are in the top two payers of waste collection. I focus on making sure I pay very well, we give great benefits, to let you know that you can support your family, and have good equipment. And, you'll be a person by name, not a number.

Councilperson Botel: Thank you. And, in terms of ..., the evaluation gave you credit for environmentally friendly vehicles, and I saw that you were considering using diesel. Since you haven't purchased the vehicles yet, would you consider using [stammer] compressed gas, or something that's a little bit more environmentally friendly than diesel?

Mr. W.K. Goode: Well, I know we, we..., we, we went the avenue of looking at electric vehicles as far as for our service route trucks. We, we really focused on that. And, we are looking at, as they keep trying to get it right for electric vehicles [chuckles]...

Councilperson Botel: Yeah. I mean...

Mr. W.K. Goode: 'Cause...

Councilperson Botel: ...I, I didn't even know they made... I mean, I drive an electric car. I didn't know they made electric trash vehicles.

Mr. W.K. Goode: Well, yes. They started.

Councilperson Botel: [Inaudible] my vote.

Mr. W.K. Goode: New York City bought a few. They're very pricy right now. They're around \$800,000 but [chuckle]... Until they, until they make economical operation sense, yes, we're looking at the electric vehicle for the service trucks, the smaller units.

Councilperson Botel: Great.

Mr. W.K. Goode: And we're looking at..., we always will entertain the CNG sites. We do..., we have invest'..., right off of Old Dixie, from the Riviera line, less than a quarter of a

mile, we have two acres of land that has been undeveloped. In three months, we'll start..., we, we start building our state of the art facility.

If you get a job and live in Riviera Beach, you can ride a bi'..., you can walk to work. Not just ride a bicycle. You can walk to work,. And you spend more time, basically back at home and, you can go get the truck, do the route, park the truck and you're right back at home. Because, our main location, over two acres, is up to sixty truck spots, three bay garage, a lotta office space and a training center, that we're putting..., we invested into. And we actually bought the spot, not leasing it.

Councilperson Botel: I'm starting..., last question... I'm starting a commercial driver's license program for residents of Riviera Beach in the very near future. Would you be willing to help participate in that?

Mr. W.K. Goode: Absolutely. That was one of our things we..., we're working on doing too. Because we have the room, the space, the equipment, and we'll talk to our insurance company to work on doing that.

Councilperson Botel: Okay. Great. I think that's it for me. Thank you so much for being here.

Mr. W.K. Goode: Thank you.

Councilperson Botel: I'm really impressed by backstory.

Mr. W.K. Goode: Thank you.

Councilperson Botel: Appreciate it.

Chairperson Lanier: Very good. Mr. McCoy?

Councilperson McCoy: Thank you, Madam Chair.

Mr. Goode, there was a..., previously in the Deputy City Manager's presentation, she mentioned, I believe, four thousand calls and one thousand emails that could be done by Complete Contract, I believe it is. Is..., are you currently operating a call center?

Ms. S. Barnes: Yes, I am.

Councilperson McCoy: In the City of Riviera Beach?

Ms. S. Barnes: Yes, I am.

Councilperson McCoy: Okay.

Ms. S. Barnes: Right in the BB&T building, on the second floor.

Councilperson McCoy: And, I guess, with this capacity, is this what you guys suggested? Because I didn't see this on the slide. Where did those numbers come from?

Ms. S. Barnes: Well, we, we did a survey of... Sorry. We did a survey off the Transition Plan and.., to get an idea of how long it would take to get individuals over from the current incumbent to the new incumbent of the outreach programs and stuff like that. So this is a, a proximate number, that we thought would be comfortable in the event we do get awarded, based upon the survey that we did.

Councilperson McCoy: Okay. Alright. And, you, and again, you said you are doing this currently?

Ms. S. Barnes: Yes. Mhmm.

Councilperson McCoy: Okay.

Chair Pro Tem Miller-Anderson: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Chair Pro Tem Miller-Anderson: Kinda going back to the employees.., maintain the employees that we currently have, would they be falling in line with your insurance and benefits as well?

Mr. W.K. Goode: Yes. You know? And what we, what we currently do, we, we would treat this like, what we call in our business, acquisition or a merger. And what we'll do, we'll vet the years they probably worked for the current company, and we will put them in place with them years of services. So say they're already working for their current company for ten years, we will put them in our ten year spot and that benefit. They won't just start new. You seem what I'm saying? 'Cause we'll look at it as a merger acquisition, to make them feel like they got in place at their seniority spot, not just starting from the bottom.

Chair Pro Tem Miller-Anderson: Okay. And then also, with the staffing, do you all work with temporary agencies to staff your two person route?

Mr. W.K. Goode: No. We, we... you can speak on that.

Mr. W. Goode: Alright. We, we currently, we currently hire through just word of mouth, people walking in and, and Indeed.

Chair Pro Tem Miller-Anderson: Okay. So, you would have.., they would be permanent employees with you. You won't be doing temporary?

Mr. W. Goode: Yes. They will be permanent employees with us.

Chair Pro Tem Miller-Anderson: Okay.

Mr. W. Goode: Yes, ma'am.

Chair Pro Tem Miller-Anderson: Alright. Thank you.

Chairperson Lanier: Very good. Any other questions for this outfit? Go ahead.

Councilperson Lawson: Thank you, Madam Chair.

Mr. Goode, thank you, first and foremost for, number one, your interest in the City, providing a presentation to us that we could actually take a look and that..., it's something that's suitable for our residents pricewise, new service, new trucks. That's something that we're excited about.

A few quick questions. Total number of employees that you would need to run the routes here in the City?

Mr. W.K. Goode: From what..., now that's [chuckle]. Thanks for asking that, 'cause I left that out.

We saw that the residential current house count, and what the residential is. And what we are doing too, on the residential, Wednesday and Saturday routes are almost comparable with the Monday, Thursday, Tuesday, Friday, we're gonna do a shift from the Wednesday, Saturdays, more to the Monday, Thursday, Tues, Friday. Why? I think people..., majority of people work Monday to Friday. Right? Majority [stammer] the school..., the kids go to school Monday to Friday. At least you can have your neighborhood back on the weekends where you don't have to have to worry about the garbage can out front, or the trash truck coming up and down the street.

So, what we do, we do a shift of the routes. We add more trucks for Monday, Thursday, Tuesday, Fridays, and we give more time to maintenance, training and our employees to have [chuckle] a little freedom versus working six days a week. And, and that's one part we do on that.

Now this, this..., 'cause, 'cause we don't have the commercial route, we, we..., I had to back the numbers out from the current hauler to come with a guess. I had to..., I had ride & count the buildings. I think there's about thirty-nine high rise buildings on Singer Island that I I [chuckle] actually, I sat there and every last one, from the top of the roof, just to try to get a idea of when an industrial parks try to count dumpsters. And, I, I saw the trucks. I wrote truck numbers down and I count the trucks. So, what we are guessing about, a good thirty to forty. If, if..., you know what I'm saying? 'Til I get the commercial route locked down, then I'll know exactly what we have.

Councilperson Lawson: Okay. So, thirty to forty. And, I know you can't give us a guarantee on how many local participation that you can hire for staffing wise because, of course, you have to find qualified drivers, you have to do your, you have to your outreach, you have to host the job fairs. But, what we're looking for is to really employ our City, to bring in individuals from the community to actually run these routes. And being that you'd be coming from a outside location to coming into the City, if you can make sure that's a priority, if you're selected for this bid tonight.

Mr. W.K. Goode: Well, one, one... One of the selling points is, if we go to a street and say, 'Hey, guess what? Our facility is less than three minutes away. Come on down and, and, and see..., check us out.' You know say, 'Come on down and hear what we have to offer as far as wages and, and benefits and, and what we do as a company. We're a celebration company. You know? We do everything from sport..., sporting events tickets,

you know, to the employees to, you know, cookouts, you know, family times. If somebody have a baby or somebody's buying a house, we're always gifting. You know?

So, we have so much in the pipeline that we've been doing for thirty years. I mean, it's just, it's just from the heart, to be honest with you. And it, it comes from the heart as opposed to profits, [chuckle], that you can give, you know, from the heart. But, we're so happy that we already had the two acres of land before... I bought the two acres of land over two years ago. So, I, I got that way before the contract even...

Councilperson Lawson: Good.

Mr. W.K. Goode: ...was on, on the street. So, we would be the closest operation company to any other trash company. And there's only one other bidder right now. We definite would be closer than them, where you can get to work and get back home.

Councilperson Lawson: One of the things, with the young men and women in our community right now, and you stating that you started on the back of a truck at the age of thirteen, that's something I foresee these kids. The fact that you're hiring thirty to forty individuals to run this facility, and actually seeing that they can actually have opportunities, that is a priority for us. Local, minority participation is something that's vital for us here.

Next question is the call center. You mentioned that you'd be bringing in a call center from 8:30 to 9:30. What exactly would you be doing in the call center? How long will the call center be operating? What's this Transitional Plan look like? Is it just gonna operate the entire life of the contract, or is this transitioning into bringing a new company, if we choose you as the RFP?

Mr. W.K. Goode: Five minutes.

Ms. S. Barnes: Sure. Thank you.

Chairperson Lanier: Very good. Five minutes.

[Chuckles]

Chairperson Lanier: Alright.

Ms. S. Barnes: So...

Chairperson Lanier: Very good.

Ms. S. Barnes: The call center is operating during that time. We chose those times so individuals can call us, either before they go to work or after they go to work, or through their lunch break. So, those are the times, why we chose that time.

The Transition Plan, currently, we.., the numbers that are there, is what we think will happen during the transition period. Then, once the transition period comes through, and we have all our systems in process, we believe that the number may go down on calls, because individuals understand the process, they understand how to do their

searches, the serial number. They understand how they do their tracking. So, those are the numbers that we're thinking in the Transition Plan, would be during that period..., transition period.

And then after that, the numbers can go either up or down.

Councilperson Lawson: Okay. So, how, how long would you be keeping the center open, for what timeframe are we looking like? For operations. 'Cause transition is, what? Six months, I believe? So then...

Mr. W.K. Goode: Any, anywhere, anywhere from up to [stammer] a hundred and twenty days, ninety days it can be out there. And with good service, everything will go away.

I do wanna add this, we are currently always looking for some type of app. You know, everybody makes a social media...

Councilperson Lawson: Yeah.

Mr. W.K. Goode: Something that can talk that type of way. If you have an issue with your service. But our goal is, having route monitors to actually comb the streets. When the trucks have gone home, or before the trucks say route completed and we use two-way radios, like the CB walkie talkie, you have to say route completed. That mean, that route monitor goes through and combs them fifteen to twenty streets that route had to make sure everything was done well.

So, with that in place, the call center will, you know, the hours will be going to the basic, you know, basic type of hours.

Councilperson Lawson: Okay. And I just wanna leave some time for my colleagues, in case they have any other questions, but, the last thing is, the, the new trucks with the placards on them. The placard you said, can state whatever we want in reference to promoting in promotion of the City. Is this something that would change on a basis, or is this something that we agree upon as a community? Is it a digital? Like, what is it? Give us an idea of what that looks like. So, if we wanted to promote.

Mr. W.K. Goode: Good question. It's the City choice. We'll give you the size of the signs you can get from a print shop. The City makes the choice, what they wanna put on, how many times they wanna change it.

Now, that, that's the only cost to the City, is actually printing it, what you want. We will pick them up, take the old one out and put the new ones in.

Councilperson Lawson: So, anytime we wanted to update those placards, it'll be able to change?

Mr. W.K. Goode: If, if you feel like...

Councilperson Lawson: ...[inaudible].

Mr. W.K. Goode: ...you wanna do it in seventy-two hours, or twenty-four [chuckle], we, we will make the change.

Councilperson Lawson: Understood. Okay.

Mr. W.K. Goode: Yes.

Councilperson Lawson: Thank you, Madam Chair. Thank you for the time.

Thank you, Mr. Goode.

Chair Pro Tem Miller-Anderson: Madam Chair?

Chairperson Lanier: Thank you.

Go ahead.

Chair Pro Tem Miller-Anderson: I just had a question along with that. So these..., the advertisements is what the City wants to advertise, not community people asking for advertisement?

Mr. W.K. Goode: It's stiri'..., strictly the City choice.

Chair Pro Tem Miller-Anderson: Okay.

Mr. W.K. Goode: Only.

Chair Pro Tem Miller-Anderson: Okay. Thank you.

Chairperson Lanier: Any other questions for this presentation? [Pause].

Thank you so much for your time and for your presentation, sir.

Mr. W.K. Goode: Thank you from my team. Thank you.

Chairperson Lanier: Thank you.

Can we call in the next presentation? Ms. McBride?

Councilperson Botel: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson Botel: Mr. Evans, when will this vote be taken? At the next., at our next meeting? Are we gonna have a special meeting to deliberate this or?

City Manager Evans: Madam Chair, if I may?

Chairperson Lanier: Go ahead.

City Manager Evans: The..., it is contemplated that Staff..., that you would make an..., a decision this evening. And then Staff would begin the negotiation with whomever the number one ranked firm is by the Board.

And, just for clarification, the Board did put a motion, and second the motion, to approve the Resolution. And so, what Staff is respectfully requesting is that the Board withdraw the motion because, what we're going to bring you back is a Resolution with the contract for the Board to execute. Tonight, you would conceivably look to rank who the number one ranked firm is, and then enter into contracts..., or, authorize the City Manager to enter [stammer] into contract negotiations with the City Attorney present for the provision of solid waste services for the City of Riviera Beach.

Councilperson Botel: Okay.

Chairperson Lanier: Very good.

We can proceed with your presentation.

Ms. E. Smith: Way down here for the mic.

Chairperson Lanier: Yes.

Ms. E. Smith: Good evening, Madam Chair, Madam Pro Tem...

Chairperson Lanier: I just wanted to make it clear to you that we..., there's thirty minutes that each presentation is given. And that includes the responses and the questions for the presentation.

So, we can get started with that clock, Walter. Thank you.

Go ahead.

Ms. E. Smith: Good evening, Madam Chair, Madam Pro Tem, Members of the Council. I'm Ellen Smith, Public Sector Manager for Waste Management, Inc. of Florida.

We are pleased to be here tonight to show you that Waste Management proposal is the best value for your City. With our fleet... That's me.

[Chuckles]

Ms. E. Smith: With our most experienced team and subcontractors, the highest level of service with more trucks, realistic routing models and an inhouse call center, the best commitment to SMWB and local goals, risk free service. Day one, we're ready with a no risky transition. We're the industry leader in safety, and we're the industry leader in technology. That's about a roadmap of our presentation, and we respectfully request that you direct your s'..., that the City Council direct Staff to enter into negotiations with Waste Management for our final and best offer.

Under the category of experience, let me introduce you to Waste Management. Nationally, we have twenty-five million residential customers, three million commercial customers. We are the nation's largest hauler, and the nation's largest recycler.

In Florida, we have a hundred and fifty municipal contracts, five thousand employees, and that's a footprint of our assets. That's our asset map, for the State of Florida.

Wase Management of Palm Beach has a hundred and fifty collection routes, two hundred and fifty employees, and we serve nineteen local governments in Palm Beach County and the Solid Waste Authority. From our Palm Beach headquarters, we conduct over .2.5 million service touches to your curbside residents every year. This is a big job. And we do it the right way.

Here are your operations team leaders behind me. Our strength is in our employees. Behind me is our route manager, Janelle Cole. And Janelle, I must say, was out on leave for a little bit, so we imported from [stammer] Ohio, a seasoned, twenty-five year, veteran, Patrick Ian, who's here. And you may know Steven Walker, who's a Riviera Beach resident for many years. And Janelle Cole is also from Riviera Beach. These are our industrial athletes.

In the sample of our drivers, pictured here, shows that we have a hundred and fifty-two years of experience among our drivers. The average tenure is fifteen years. And this is the eight deadliest job in America, according to Forbes Magazine. They really are industrial athletes.

Waste Management seeks to minimize contract labor, giving employees the best benefits in the industry, including free college tuition to our employees and their families.

Thank you, gentlemen, very much for your service.

Please meet our subcontractors. Please meet your subcontractors. And I ask that they stand. This is our SMWBE team and our local team. The members of our SMWBE te'.., team include Mack & Sons, Sylvester McKinon, who does ve'.., will do vegetation griding for us. Mack, I know you're here. There you are. Mack has been in the industry longer than almost anybody. And he will do vegetation griding for us.

Next, is Marius Boyd, who will be fuel provision under this contract. Marius is the MWBE supplier for Palm Tran locally. Shelby Lowe is with us as our community outreach coordinator. Truck Masters is not able to be here. Risk and Resource Management, we have Ms. Annette Gray, who's going to mentorships and scholarships under our proposal. Sheehand's Towing, not able to be here. CBA Graphics, not able to be here, but they will do our printing of collateral material. Auto Extras does our truck wraps. And, Ejay Rodriguez will handle our vegetation collection by Grapple Truck and our bulk collection. Ejay is, is here and I'm grateful for your help.

Your rules require that our SMWBE partners are to be duly certified by a state or local agency, specifically in the function that we're asking them to do. And all of our subcontractors are certified, specifically in the function that we've asked them to do, and are all SMWBE's. This little quote on the bottom that to be certified is a big deal for this RFP response. Thank you, gentlemen.

Our local partners are Mack & Sons, Sylvester McKinon again; Nextran, which will do vehicle parts; Delta Riviera, a subsidiary of Waste Management that's physically located in Riviera Beach, will do our commercial recycling. So we really do have a presence here. And also, GT Supplies will do container repair. I'm gonna stop on GT Supplies for a minute to tell you a success story about our small business partners. GT

Supplies used to be GT Hauling, our vegetation grapple company. They were so good, we bought 'em. And that's a very good day for a small business. They were doing such a good job.

The next slide, highlights experience of our subcontractors specifically with vegetation grapping. Jet Waste is our vegetation and bulky waste contractor for seventeen cities in Palm Beach County, and the Solid Waste Authority. The company has two dedicated drives, one route manager, one supervisor in Riviera Beach. And the owners, collectively, have sixty-six years of experience.

In contrast, the GCI proposal will rely on Taylor & Gamble, but they have no vegetation experience.., collection experience. They have no roll off provision experience. There's no mention of trucks, personnel training, nor equipment. And there's no track record for this company, so they're probably not even bondable for this work.

So we ask, what's the safety net for the City, when the City is impacted by a company, on day one, that's never done the work? Taylor & Gamble's experience is zero. And this seems to be a recipe for failure.

Our partner in mentorship, Annette Gray, who's here, always says, 'Never put your subs in a position to fail. Put 'em in a position to outperform expectations. Give them the infrastructure to succeed.' That's what we have done with our subcontractors. The GCI proposal, again, is a recipe for failure.

Another criteria in your consideration is the vision and value. I'm not sure what you heard from another company, but our vision and values align with the City. Goals one and two would be specifically considered in this RFP. Goal one is to achieve a prosperous and resilient economy, sustainable economy. Our CNG fuel trucks, clean fuel trucks, promises a more sustainable tomorrow. And is our gift to future generations.

Your goal number two is to create aesthetic improvements with a focus on most vulnerable communities. Our clean dumpster overage project, that you adopted last year, is paying for City cleanups, in the most vulnerable areas. So, we hit the nail on the head with our visions and goals, that are similar.

And in the green box is something very important. Both nationally and locally, we are serious about our commitment to affirmative procurement initiatives. And at the national level, we have committed to increase our spend by ten percent every year with our diverse suppliers through 2038.

An important part of this.., of our approach, is safety. How we lead to safety.., how we lead the nation in all safety metrics. And this is.., and we're go a video how we start our day, every day. Walter Stephens, if you're ready for us? Hit play. Thank you.

[Video plays]

Thank you for letting us share that.

Continuing in this presentation is Mr. Fred Harmon, our Senior District Manager for Palm Beach. And I'll visit with you again in a moment.

Thank you.

Mr. F. Harmon: Thanks, Ellie.

Madam Chair, Members of Council, I'd like to first say thank you for the opportunity tonight, to share the highlights of our organization. I'm excited to continue our partnership as we continue to grow as the industry leader, and the industry expert.

[Stammer] as, as you have seen, and will continue to view, the two proposals before you tonight, simply are not equal. Let's first take a glance at [stammer] at equipment for curbside collection. Waste Management currently and commits to schedule either nine or ten environmentally friendly vehicles on a daily basis. Our trucks are fueled by compressed natural gas. In the recent past, we've invested \$10MM in infrastructure to bring to our customers zero emission vehicles that, when they're on the streets, have a considerably more quiet, more comfortable feel for our residents as we go by.

GCI, on the other hand, has committed seven vehicles for the same service. Now that's quite a sizable deficit from what we have now. After review, it's apparent that the difference exist in the clamshell vehicles which are used for bulk and vegetation collection. GCI committed only one asset in their RFP to the four or five that use on a daily basis.

We reevaluated our assumptions. We scratched our head, but facts don't lie. These trucks are capable of picking up approximately 3.8 tons per load. Collection with one vehicle, it's not possible with modern equipment. We fully understand they have a plan to pick up nearly half of the residents with rear load vehicles that will allow them to pick up some of the bulk, however, if they have a magical truck that we can get our hands on, we'd love to. But I don't think it exists.

In a few minutes, we'll investigate how they may have come up with this model. GCI is offering less service than we're currently delivering. If these services were equal, pricing would be substantially higher. And we have these calculations at your request.

As your current and future partner, we simply deliver the best collection services. Highlighting our approach and methodology, you can see many differentiators. When asked to solve typical problems with collection service, we have expanded into multi-cart options, as well as an elective Sunday service offering to aid some of the issues that our multifamily customers are experiencing in their current agreement.

While we've added these enhanced offerings, we'd all agree, there's no transition required. We did the service today, and we'll continue to deliver it in the future. What value is that to the City of Riviera Beach?

Earlier, Ellen highlighted our co-workers. We have a few of the fine folks with us tonight, and many of them wanted to come, but we all knew that this would be a late

evening and it was best for them to spend time with their families, and to get a good night's rest to deliver service tomorrow.

On the topic of safety, we clearly have the best trained individuals in the industry. We're committed to safely training our new co-workers so that safety isn't a commitment to them, it's a core value. Commitments are compromised, commitments change, core values are in our core, they're in our DNA.

As our co-workers begin with Waste Management, they begin on a comprehensive training journey. We have a state of the art training center in Fort Myers, Florida, where we have hands on stations, driving simulators in classroom stations. More recently, we added a CDL training school. As the dynamics of our labor forces changes, we know that we need to find folks early on in their careers, help them get their CDL, help pay for that and bring them onboard.

Shortly, we'll demonstrate our state of the art technology. We don't stop with over the country programs, like Third Eye or trucks databases. They're good programs. They are. But as the industry leader, we've developed our own software that enables GPS and video capture, as well as enhanced logistics, that's second to none in the industry.

Before we take a glance at the technology enhancements, let's revisit this real life problem of curbside collection. As your current partner, we know Riviera Beach. We know the collection points. If you take a look at the model up here, and these are direct from the RFP responses, GCI plans approximately thirty thousand collection points in a week. I mentioned earlier, we did the service today, we're doing it this week, there's actually thirty-eight thousand collection points in a week, and that would compensate for the lack of equipment. The only plausible option to overcome this, would be an increased rate to compensate for their lack of research... And I don't think anybody wants that unexpected rate in the final stages of negotiation. So we're the experts, we know what it takes to serve Riviera Beach.

Walter, if you could help me play that video. This will play in the background. I mentioned earlier that we differentiate ourselves from the rest of the industry in many ways. And technology is another one of our areas. What you're watching here is the plan versus actual tool, that allows our managers to see the same GPS technology that the other competitors could see. However, in comparison to Third Eye, we give true trails of our routes... We can do an overlay of the actual route on a planned route, so that we can monitor real time, our route progress. We've used Third Eye in the past, we have it. You can't do that with Third Eye.

Furthermore, we can log service events on the map, and the technology is fed from one of these onboard computer devices. Each of our trucks and our drivers are equipped with a Samsung Galaxy tablet. This doesn't just deliver the customer data to our drivers, it serves other purposes like time clock, safety logging. It's their cellphone for the day.

Smart truck cameras are installed in all of our commercial frontload vehicles. And they monitor our commercial customers for compliance in overages and composition. Monitoring overflowing containers is an added benefit for Riviera Beach currently, through

our clean program. They do run on Third Eye technology. Third Eye supplies us with the hardware, however, it stops there and we harvest the data and utilize it in what we call our service visualization tool.

Now, we tell you, not all over the counter technology is inferior. This device I have right here, is a drivecam event recorder. This monitors 180° within the cab of our vehicle, and a full 180° view looking forward. The way it's triggered, by either hard braking, a collision, or a fast cornering, the video is captured. And we employ a company called Lytix to review those. Those videos are reviewed. And if there's coaching opportunities, we bring them back to our drivers and work with them.

More recently, this particular device was just installed in our trucks. It's been enhanced with AI technology so that it searches for items like lane departure. Like many of our vehicles we have. It searches for following distance, it searches for distractions, like a driver using a cellphone, and it gives them self-coaching right there in the vehicle.

The OBU makes us smarter, the drivecam makes us significantly safer.

Madam Chair, Members of Council, neighbors in the community, we appreciate this opportunity, and Ellen's gonna talk a little bit further about the differentiators.

Ms. E. Smith: Thank you, Mr. Harmon.

That means that a hundred and fifty tons of garbage will be left on the streets, under the GCI proposal as proposed. Whose garbage will that be? Our proposal fits the City of Riviera Beach. We have the correct number of trucks, we have the correct a'.., assets.

But I'm gonna talk about something a little happier. And, that is our community outreach. First, I'm gonna enter into the record a letter from Cheney Brothers, the City's largest employer is asking you to continue our service and sharing concerns about switching providers.

[Pause – displaying letter on screen]

That letter was sent to Mr. Evans earlier today.

But our community of outreach, we are very proud of our community outreach. And what is.., and this is a comparison slide of what we'll do. And, and the GCI proposal is very proud of their five percent small business discount. We already offer that. We offer small business generator price. So what is new to our historic commitment to your community, is a mentorship program, as you see. Hopefully, conducted at your new Library, and scholarships for Riviera Beach public school residents, on a sustainability topic. We have demonstrated in the past, a reliable commitment to the community time and time again. We go beyond the requirements of the RFP, as an incomparable community partner.

These are some of the organizations we've assisted outside of the requirements of the.., our contract.

The next slide is, is most important. It's the evaluation criteria. We are scratching our heads about three rankings. Frankly. One is approach, one is equipment, and one is the SMWBE points. We've already shown you that we have more trucks, and we have environmentally friendly equipment. We have the best equipment. But we got fewer points in trucks. And we are the only provider that has environmentally friendly trucks. Our points should be ten, their points should be zero.

On approach. With better technology, local knowledge, no transition, we dinged be'..., points because we are..., didn't have a Transition Plan. We are the incumbent. The Waste Management approach is the best to serve the residents of the City of Riviera Beach.

The evi'..., evidence is required to certify and take points to be an MWBE, or an SBE. The Goode Company did not submit evidence. I to'..., we, we mentioned earlier that you have to be certified from state or local certifying agency. No evidence was provided. Based on the RFP response, the EBO requirements, the RFP and the Purchasing Code, Goode Company itself, is not entitled to maximum points, if any points at all. And under this lens, Waste Management's participation is higher than GCI's. Our participation is 9.33 percent, and theirs is less than 1 percent. And that may be hard to think about, but you must have evidence, and that is the rule.

And our..., we have more commitment, abjectly, on its face, to our community partners. Our spend is seven hu'..., \$978,000, with eleven certified partners. The GCI spend, on paper, is \$645,000, with two. Not only is Waste Management spending more with more certified contractors we do business with your community. We do \$1.3MM worth of business with other Riviera Beach vendors.

GCI cannot take points for the \$650,000 spend that they are taking for Taylor & Gamble as a vegetation collector and a roll off provider. And I'll show you why in a minute. They cannot take credit for the thirty thousand for Complete Contract Consultants as call center. And I'll show why in a minute. And GCI itself, as I said, supplied no evidence that they're a minority owned company. In fact, our research shows that a guy named Dale Lipscomb owns the company. That's..., if you look on the small business SBA registry right now, that's what you'll find. So, that's why evidence is important, so you don't game the system.

And I must say, there's one other item that's very important. And..., their track record. The GCI track record is certainly nothing to be proud of. GCI got fifty more points than Waste Management in the MWBE criteria. We're showing that we are a better employer, and have more commitment, and that GCI cannot take points for themselves. They should get five points.

And I wanna talk about their track record. Their track record shows no payment to any local or small minority business from the contract they got in 2019 with the Solid Waste Authority. And, and stemming from that 2019 Solid Waste Authority bid, there's an active lawsuit against the Goode Company for not complying with what they promised.

And that's another point of deviation. On Page 39 of their response, Page 86 in your packet, shows an Affidavit of Disclosure. And, the Goode Company has checked there are no lawsuits against our company. Here's a lawsuit filed in the Fifteenth Judicial Circuit Court of Palm Beach County with A&A Staffing against the Goode Company. It has proceeded passed the Motion for Summary Judgment. It is headed for trial.

In addition, we found seven other lawsuits in the State of Maryland. And just on this alone, Madam Chair, this..., the fact that this is abjectly untrue, the GCI response should be disqualified, based on an important omission of fact. They have a sworn affidavit that there..., they have a sworn certification that their Affidavit was accurate.

The next slide shows why GCI partners cannot be counted. And I'm gonna go really quickly here. It's a certification from the Palm Beach County Office of Equal Business Opportunity. Everybody's certification shows the, the commercial use for functions you get to do under your certification. Note, on Complete Contract Consulting, call center is not there. No, also on Taylor & Gamble, they're certified only for bin cleaning. And the error on the bottom says, especially on the..., and the document that was provided to your Evaluation Committee, you can't take SBE points for anything you're not certified for specifically on that list. And a call center is not included in administrative functions.

We have addressed many of the items noted in your Agenda regarding how the proposals vary, but I have to note a couple others. Because it's hot off the press, and this prepared prior. From your Agenda packet, it seems GCI was awarded more points because of a satellite office. We're the only respondent that has a satellite office in Riviera Beach. It's on Barbour Road, and it's located within your City limits. We've provided the Business Tax Receipt as evidence. GCI's satellite office is Mangonia Park. They can't take points, but they got more points.

Your Agenda Item also mentioned GCI received consideration for 10,000 new carts at the start of the contract. That sure sounds appealing, but it's very impractical. You will be throwing away, in the landfill, so many new carts. We deliver about forty new carts every week. And our proposal actually provides more carts. We pledged 2,000 a year over a seven year contract, that's 14,000 carts. They have pledge 10,000. Also, our proposal is a better plan. It's a flow of carts into your community as the need arises.

You also were conc'..., there was a comment about the age of fleet. We did exception to the age of fleet 'cause our trucks are relatively young in your City, and we wouldn't wanna get rid of them. So, we asked for an average age of five years, for the age fleet. It's a small change. Most trucks last thirteen years.

And we also said that we did not provide a Transition Plan, because we don't need one. And, we apparently lost points for not having a Transition Plan. We already are a provider. And our RFP response says that. There is no risky transition.

Media Team: Time.

Ms. E. Smith: Waste Management officers a higher level of service. The other proposal does not meet reliability standards and fails to meet the required evidence. Our price is competitive to other local and recent solicitations.

And we continue to be your best value. You'll never have to pay for City cleanups again. And a big difference is in communication. The GCI plan provides CCC, a third party contractor to do the call center, please meet the three ladies that are the heart of our...

Chairperson Lanier: I, I need to...

Ms. E. Smith: ...organization, as the call center.

Chairperson Lanier: I'm sorry. I need to warn you that there's five minutes left and there may be some questions. And I have to give you your same exact time.

Ms. E. Smith: Thank you. On behalf of...

Chairperson Lanier: [Inaudible].

Ms. E. Smith: ...Waste Management....

Chairperson Lanier: Alright.

Ms. E. Smith: On behalf of Waste Management, we ask that you direct Staff to negotiate a contract.

And I'm available to answer questions. Thank you very much.

Councilperson Botel: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson Botel: Your fees used to be.., or currently are, \$11.93, and now you're asking for \$17.32. What's the justification for that increase? And, why can't you just do it for the same price?

Ms. E. Smith: Our costs have outpaced.., the cost of collecting have outpaced the pricing. And, the price that we're offering is very competitive with all other local solicitations. The price of garbage collection has gone up.

Steel, for example. In the past twenty months, since January 2020, has gone up a hundred and forty nine percent. That's what our trucks are made of. Our carts cost increased twenty-eight percent. Our labor costs have gone through the roof. Especially in.., after the pandemic, when we had to provide top dollar incentives to keep the...

Councilperson Botel: Okay. I guess...

Ms. E. Smith: ...guys on the job.

Councilperson Botel: ...my, my... I'm sorry. Madam Chair?

Ms. E. Smith: And the CNG cost as well. Our fuel prices have gone up.

Councilperson Botel: Okay. Is that, is that dollar figure negotiable?

Ms. E. Smith: We would love to visit with the Staff. We have a incentives that we believe that would be attractive to the City. We're not in a position to discuss price now, but it's a package that we believe will provide the City with the confidence of the reliable service at a great value from Waste Management.

Councilperson Botel: I have a question about the percentage of drivers. Are you..., I noted in the documentation that it looks like you have ten drivers and the supervisor. What's the percentage of drivers that are Riviera Beach residents?

Ms. E. Smith: That's a good question. That picture is not all our drivers, by the way, that serve Riviera Beach. That's a sample. We have about thirty employees that live in Riviera Beach, that serve Waste Management, in various capacities. From drivers to route managements. Some of our Hobe Sounds workers, we have an office Hobe Sound, live in Riviera Beach. About thirty.

Councilperson Botel: Okay.

Ms. E. Smith: And they have seniority.

Councilperson Botel: The, the thing that I like about your response, is that I see that there's no community benefits. We don't like those. [Chuckle]. We'd like to eliminate those. So that's, that made me happy.

Last question from me. Will you support establishing a CDL program in Riviera Beach?

Ms. E. Smith: We have a driver training program in Fort Myers. We...

Councilperson Botel: Yeah. That's Fort Myers. [Chuckle].

Ms. E. Smith: Yes. And we, we transport people there. And we would transport people to our driver training session. It has all the technology there. It has...

Councilperson Botel: If we, if we established a CDL program here in Riviera Beach, would you support it?

Ms. E. Smith: Absolutely.

Councilperson Botel: That's all I have.

Chair Pro Tem Miller-Anderson: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Chair Pro Tem Miller-Anderson: For the subcontractors that you listed, are they currently working with you all or are some of them going to be coming on if you continue?

Ms. E. Smith: Some of them are currently working for us. Marius Boyd is new to our team. We tried to get him on our team before, but finally we did it. So most of..., some of them are currently working. Ejay, definitely. Shelby Lowe. We've been trying to get an arrangement with Mack..., Mack & Sons for years and we're pleased that, that we can do it now.

Chair Pro Tem Miller-Anderson: And then...

Ms. E. Smith: And many of our subcontractors... We have thirty minority participants in our Solid Waste Authority contract.

Chair Pro Tem Miller-Anderson: Okay.

Ms. E. Smith: That are not here.

Chair Pro Tem Miller-Anderson: Then, the other question...

Chairperson Lanier: Okay. Go ahead.

Chair Pro Tem Miller-Anderson: The other question is, as far as the software, the IT..., the camera system. Is there any way for the City to have access to it, similar to the Third Eye? Or, is that not an option?

Ms. E. Smith: We have questions about why anybody would want to look at it. And we also have concerns about the privacy of our drivers, frankly. We look at it. We have other cities where they wanna look at it. We've found no benefit from that. If the City wants to take a look at it, we can certainly make that available, but I can tell you, it's a full time job to look at the Third Eye response to the City.

Right now, we have the quality assurance officer, as part of our proposal. We're continuing that in this proposal, as a good bridge for communication.

Chair Pro Tem Miller-Anderson: Okay. Thank you.

Chairperson Lanier: Very good. Mr. McCoy.

Councilperson McCoy: Can you explain what fuel pro'..., provisioning is? I, I, I didn't understand what that meant.

Ms. E. Smith: Certainly. Mr. Boyd will provide both diesel fuel...

Councilperson McCoy: Just very briefly.

Ms. E. Smith: Diesel fuel and compressed natural gas fuel.

Councilperson McCoy: Okay. He's the supplier?

Ms. E. Smith: Yes, sir.

Councilperson McCoy: Okay.

Chairperson Lanier: Go ahead, sir.

[Timer]

Councilperson Lawson: Thank you, Madam Chair.

And again...

Councilperson McCoy: Is that time?

Councilperson Lawson: ...as well...

Chairperson Lanier: This is our last question. Go ahead, sir.

Councilperson Lawson: Well, I, I had a few questions but I'll just limit it to...

Chairperson Lanier: I'm, I'm sorry, but have to give the same amount time to each candidate.

Councilperson Lawson: Thank you, Ms. Ellen for the time that you took to present to us and for working with our City for these numbers of years.

If we do select you, for this RFP, decide to have contract negotiations. My colleague requested that the price be negotiable. I see that the price has gone up but you say that the cost., that fuel, or I'm sorry, steel has gone up. Are we getting new trucks for the City, or is this gonna be something that we're not receiving.

Ms. E. Smith: You will definitely get new trucks in the City, as our trucks age.

Councilperson Lawson: Okay.

Ms. E. Smith: Correct.

Councilperson Lawson: As.., I'm sorry.

Ms. E. Smith: As the trucks age... We're asking for an average age of fleet. An average age for a fleet of five years. And not just...

Councilperson Lawson: Right.

Ms. E. Smith: ...a matter of act flat five years. It's, it's a subtle difference. But, in looking at our vehicles and fine tuning our price, yes. That's we offer.

Councilperson Lawson: So, can you give us an idea of how many vehicle we would be receiving? New vehicles we'd be receiving, if we went forward with this contract?

Ms. E. Smith: You would receive probably all new vehicle in the course of the contract. You'll definitely receive all new vehicles...

Councilperson Lawson: Over, over...

Ms. E. Smith: ...over the course....

Councilperson Lawson: ...the course of the contract. But within the..

Ms. E. Smith: That's correct.

Councilperson Lawson: ...within the first year at least?

Ms. E. Smith: In the first year, probably three or four. As I'm familiar with the age of the fleet. Is that correct? Three? Will age out of that average five years.

Councilperson Lawson: Okay. And, Madam Chair..., do we have time for one more question or do you wanna...

Chairperson Lanier: No, sir. We, we have to give the same amount of time for each of the candidates.

Councilperson Lawson: Thank you, Madam Chair.

Chairperson Lanier: Thank you, sir.

Thank you for your presentation.

Ms. E. Smith: My pleasure. Thank you.

Chairperson Lanier: Mr. Evans.

City Manager Evans: Madam, Madam Chair and Members of the Board, again, as previously stated, Staff is requesting direction from the Board as to how to proceed.

As a procedural matter, we need the Board to withdraw its motion to approve the Resolution and enter a motion to direct the City Attorney and City Manager to negotiate the terms and conditions of a solid waste contract with whomever the Board determines is the number one ranked firm.

So, however the Board wants to handle that, Staff can facilitate it accordingly. And you all can make that decision. Or, we can even do a situation where you can write one or two down. Similar how we did for the CRA Attorney, you can then provide who you're number one ranked firm is, and state that for the record. And then, the S'..., the Clerk will confirm that as well.

So, whichever the pleasure of the Board is.

Chairperson Lanier: Alright.

Councilperson Lawson: Madam Chair?

Chairperson Lanier: First... Wait a minute. Point of order. We need to get this business straight first. Who made..., Madam Clerk, who made the motion and the second for this, so that it can be [inaudible]?

City Manager Evans: And, and, Madam Chair?

Chairperson Lanier: Yes.

City Manager Evans: Briefly. The other group is coming in. So, if there is follow up questions that the Board has, you can ask additional follow up questions. But we would ask that you provide the same questioning for both [inaudible]...

Chairperson Lanier: Both parties. Yes.

City Manager Evans: Yes.

Chairperson Lanier: Very good. Madam Clerk.

City Clerk Anthony: I, I have indicated the motion was made by Councilperson Botel.

Councilperson Botel: And I can amend it.

Chairperson Lanier: And the second?

City Clerk Anthony: And the second, I didn't check who made that. I didn't hear the, the second. Who made the second?

Chairperson Lanier: I think that was... Was that you, KaShamba?

Chair Pro Tem Miller-Anderson: It could've been.

Chairperson Lanier: Yeah. She was... Go ahead.

Chair Pro Tem Miller-Anderson: Withdraw?

Chairperson Lanier: Yes.

Councilperson Botel: Yes.

Chairperson Lanier: Alright. Very good. So that motion is off the table.

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

Chairperson Lanier: Very good.

City Clerk Anthony: We have, like, an hour worth of public comment.

Chairperson Lanier: And we can start with those right now.

City Clerk Anthony: Okay. And, Madam Chair, Members of the Board, please be mindful, we have about an hour worth of public comment, and it's 9:35.

Councilperson McCoy: [Inaudible].

Chairperson Lanier: Motion to extend the meeting?

Chair Pro Tem Miller-Anderson: To complete the Agenda?

Chairperson Lanier: To complete the Agenda.

Councilperson Botel: Did you make the motion?

Councilperson McCoy: Well..

Chairperson Lanier: Can I get a motion?

Councilperson McCoy: [Stammer].

Councilperson Botel: I, I move that we extend...

Councilperson McCoy: Madam Chair, question before you put a motion. So, we still do have the other Item. And I just wanna make sure no one is waiting for the...

Chairperson Lanier: Oh, we ha'.., we have to go in the order of business.

Councilperson McCoy: Can I...

Chairperson Lanier: And, we are at this Item...

Councilperson McCoy: Can I finish my..

Chairperson Lanier: ...at this time.

Councilperson McCoy: ...question?

Chairperson Lanier: Go ahead.

Councilperson McCoy: Okay. So, I, I guess, if.., and I, and I asked this question of the Manager. So, if we are, which I don't have a problem with, extending, but let's just be clear, are we gonna really try to take the last Item afterwards? Or, is that something that we just need, you know, already go ahead and postpone it right now, so that we don't even have the individuals waiting?

City Manager Evans: Madam Chair...

Chairperson Lanier: Go ahead.

City Manager Evans: ...Members of the Board, if I can confer with Deputy Manager McBride. She's been in communications with the person, to see if that's something we can possibly do, to postpone.

Chair Pro Tem Miller-Anderson: So, we're still gonna go ahead and...

Chairperson Lanier: Hear public comments. Well, actually, we need to get a motion to extend the meeting because if we have an hour with the public comment, and we definitely may have questions after that. So, we need to extend the meeting until the end of the Agenda.

Councilperson Botel: Mr. Evans needs to...

Chair Pro Tem Miller-Anderson: But this is the thing. We can go ahead and extend it to complete the Agenda, and if we get, later on where they're not gonna stay on, then we can just hold that off.

Chairperson Lanier: Exactly.

Chair Pro Tem Miller-Anderson: I make a motion to postpone if that's...

Chairperson Lanier: Go ahead.

City Manager Evans: Madam Chair, if I may? The speaker said they have no problem with the Item being continued 'til your next meeting. So, we can move that last Item, and you can deal with this particular Item exclusively.

Councilperson McCoy: Can you clarify which Item are we talking about. Because there's...

City Manager Evans: It would be the Item associated with the disparity study update.

Councilperson McCoy: Okay. As well as the conversation on the...

Councilperson Lawson: MOU.

Councilperson McCoy: On the MOU.

Chair Pro Tem Miller-Anderson: That can stay on. I mean, we're..., that can...

Chairperson Lanier: We, we have a... If anyone wants to...

Chair Pro Tem Miller-Anderson: I, I made a motion...

Chairperson Lanier: Okay.

Chair Pro Tem Miller-Anderson: ...to extend the meeting to finish the Agenda.

Chairperson Lanier: Can we get a second?

Councilperson Botel: Second.

Chairperson Lanier: Any comments? [Pause]]. Madam Clerk.

City Clerk Anthony: Councilperson Botel?

Councilperson Botel: Yes.

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.

Chairperson Lanier: Very good. Let us move on. Public comment, please.

City Clerk Anthony: Stephen Cornet, Jaene Miranda, Bonnie Larson.

[Inaudible comments]

Councilperson Botel: He can't...

Chairperson Lanier: Okay. Go ahead.

Chair Pro Tem Miller-Anderson: We don't do that.

Councilperson Botel: He can't give...

Chair Pro Tem Miller-Anderson: He can't...

Chairperson Lanier: Well, we don't, we don't give away time. So, either you...

[Inaudible audience comment]

Chairperson Lanier: ...talk and she gets her three minutes, and you talk...

City Clerk Anthony: Ma'...

Chairperson Lanier: ...you get three minutes. That's how it goes.

City Clerk Anthony: Madam Chair, before she gets started, it's my understanding that the public..., acceptance of public comment cards was not closed out.

Chairperson Lanier: Yes.

City Clerk Anthony: The acceptance of public comment cards for this Item is now closed.

Chairperson Lanier: Thank you.

Go ahead, ma'am.

Ms. J. Miranda: Good evening, Madam Chair and Council Members. My name is Jaene Miranda and I'm President and CEO of the Boys & Girls Clubs of Palm Beach County. I'm very delighted to be here tonight, and great presentations by both groups.

I, I'm not sure how much you know about the Boys & Girls Club history. I know that presented...

Chairperson Lanier: Are, are we talking about the Item that's on the floor here? It doesn't...

Ms. J. Miranda: Yes.

Chairperson Lanier: About the...

Ms. J. Miranda: Yeah. Yes.

Chairperson Lanier: Okay. Very good.

Ms. J. Miranda: Yes. So, since 1991, we..., thanks to then Mayor, Clara Williams, we opened up our clubs here in, in Palm Beach County and Riviera Beach. And, in 2010 built a beautiful new building. And so, for the last thirty years, we, here in Riviera Beach, we've been pro'..., providing mentoring support.

Chairperson Lanier: Ma'am, you're gonna have to get to your issue in regards to this Item that's on the floor.

Ms. J. Miranda: I, I know.

Chairperson Lanier: Go ahead.

Ms. J. Miranda: I'm, I'm getting there.

Mentoring support, academic support, STEM career, college readiness and sports and fitness, and, and many other activities. Today, our budget here in Riviera Beach is..., stands at \$1.4MM, to operate our Max M. Fisher Boys & Girls Club. Needless to say, that doesn't come with a lot of support from the community. And, for us, the relationship that we've been able to build with the City, thanks to our Steve Cornet and Ms. Freeman, who's our Club Director, you know, every, every bit helps to make sure that we can provide the services to over six hundred kids that are Club members at that Club.

Corporate partners are extremely important, and Waste Management has been with us for as long as I can remember, providing a lot of support. And, they've not only, you know, provided, you know, cash for programmings, you know, that we can do with the kids, to support them, but they have volunteered. They've provided back to school supplies, they've even donated furniture to the Club. They're a great..., a great community partner. And it takes those types of partnerships to make it all work.

So, I'm just here showing my support for Waste Management.

Thank you.

Chairperson Lanier: Thank you.

City Clerk Anthony: Stephen Cornet...

Mr. S. Cornet: I'll waive my [Inaudible].

Chairperson Lanier: Alright. Very good, sir.

City Clerk Anthony: Bonnie Larson, Annette Gray, Sylvester McKinnon.

Ms. B. Larson: Bonnie Larson. I have a couple questions for both groups.

We've had Waste Management for a long time and, Ms. Botel, you said we'd to do away with community benefits, and that would solve the problem I talked about earlier today. So, if we're doing away with community benefits, why is Waste Management price going up? Now, they said their price was going up because of the cost of fuel, et. cetera. Well, the other group has the same issue. They have the same cost. So, that really wasn't a good answer. I don't think [chuckle].

Mr. Lawson, you asked about how many trucks we're gonna get, how many new trucks. So, that was a little iffy too. 'Said, you know, it's... First of all, she said they were five years, and then she said last for thirteen years. That's when you questioned further. Like, how many are we gonna get? And she mentioned three or four, like, over the course.., she mentioned a number over the course of the, the whole contract. So, that really wasn't an answer either.

Waste Management, for me, is fine. You know, their trash pickup is fine. Except, we have a really good guy driving, but the vegetation is terrible. Terrible. Four out of five.., they're supposed to pick up on Saturdays. Four out of five times they've been missing, so my stack is still sitting there. And I called Mr. Johnson, and I think he's tired of talking to me, 'cause every week I call him and say it's still sitting there. They were supposed to pick it up on Saturday. It's still there tonight. Wednesday night, when I left home, there was the vegetation sitting there.

The other issue I've had with Waste Management, is the hours. They're not supposed to be in our City until 6:00 a.m. Now, sometimes we're at this meeting, not, not now, but we used to be at the meeting sometimes 'til 1:00 o'clock in the morning. Then, 5:00 something, here comes Waste Management. They're not supposed to be in our City.

Now, I have mentioned that multiple times when Waste Management representative has been in the audience, so they've heard it. But still, nothing happens. They still come early.

So, those are my two issues with them. Like I said, our trash pickup guy, he's wonderful.

She mentioned Shelby Lowe several times. Is that our Shelby Lowe?

[Inaudible comment]

Ms. B. Larson: Oh, it is?

[Chuckles and inaudible audience comment]

Ms. B. Larson: You're ours, you'll always be ours.

Unk. Audience: [Inaudible].

[Chuckles]

Ms. B. Larson: You're ours. Okay.

The other group, is this the group from Maryland? If I can just get a nod yes or no? Is this the group from Maryland? Are they from... Were they started... They are? Okay.

So, I read the reviews this morn'... I tried to research them a little bit and they got terr'.... I gotta tell you, they have terrible reviews [chuckles] in Maryland. Do they service any other cities here in Riviera Beach, or are we gonna be the first if we hire them?

They need to address the lawsuit, that Waste Management talked about, 'cause we didn't hear about that. So, if they have a lawsuit, we need to know about it.

And, I think that's it for my questions. But, like I said, they just...

[Timer]

Ms. B. Larson: ...don't listen when we say, not before... And our place...

Chairperson Lanier: Thank you, Ms...

Ms. B. Larson: ...is not...

Chairperson Lanier: ...Larson.

Ms. B. Larson: ...the first place. You guys...

Chairperson Lanier: Thank you so much.

Ms. B. Larson: ...come from West Palm Beach or wherever, so you're not gonna be our house...

Chairperson Lanier: Thank you.

Ms. B. Larson: ...before 6:00 o'clock.

Thank you.

City Clerk Anthony: Annette Gray, Sylvester McKinnon, Claudius Nalls.

Ms. A. Gray: Good evening, Commission, Mayor. Thank you for this opportunity just to give some perspective about my background.

As the card indicated, my name is Annette Gray. I'm CEO of Risk & Resource Management. I'm gonna take a few minutes just to give you a highlight of my background, because it's germane to the comment that I'm going to make.

Chairperson Lanier: Okay.

Ms. A. Gray: I started my career in corporate America. And, I spent the first ten, fifteen years there, as a strategist developing systems and protocols for large corporate companies. From there, I went and became an entrepreneur. I've been an entrepreneur for twenty-five years. That's where my passion came from with developing small businesses and capacity building.

When I say I have a passion for developing small businesses and entrepreneurs, it's for the reason you do a disparity study, and the reason why we've done disparity studies in Palm Beach County.

Because of my background as a former CRA Staff, a former Commissioner of Delray Beach CRA, an entrepreneur, a female, and a black owned business, I get approached on a regular basis to be a part of RFP proposals.

Early in my career, no one asked me if I was capable of doing the job. My CV was used, they got the RFP, and then, because I was unable to perform, they then terminated my contract for cause,. That then, becomes my passion.

I have started a nonprofit entrepreneurship institute called GBDC Entrepreneurship Institute. I currently work with the SBA, as a business consultant, developing growth, access to capital, and building sustainable capacity. That is my passion. I do not work with everyone who comes to me to be part of a RFP. I vet them. If they don't believe in my way of doing business, I don't join the RFP. I need to make an impact for minority and women owned business. And I need to do it before I leave this Earth in Palm Beach County.

When I was approached by Waste Management, the agreement was I would seek out young business owners, bring them to the table. No exceptions would be filed and we would find people to participate. Mr. Boyd is a result of my passion on this team.

Please, I look forward to working with you.

Chair Pro Tem Miller-Anderson: Thank you.

City Clerk Anthony: Sylvester McKinon, Claudius Nalls, Marius Boyd.

Mr. S. McKinon: Good evening.

Chair Pro Tem Miller-Anderson: Good evening.

Mr. S. McKinon: I'm Sylvester McKinon from..., with Mack & Son. I'm certified in Riviera Beach, West Palm Beach, Palm Beach County, Palm Beach County School Board, and with the Solid Waste Authority. I've been in waste approximately about thirty years. Thirty hard years.

And, I thank God for the opportunity to be in this business. It's a very hard business, and I've went through a lot as a black man in this business. I've been tricked, I've been... But I, I admire your City for what you're doing. And, I give very much respect

because you're running a business and a City, that you really, really deal with the people themselves. And, I think that...

I don't have a lot to say, but, do what's best for the City. I appreciate that and may God bless you.

Chair Pro Tem Miller-Anderson: Thank you. Who's next?

City Clerk Anthony: Claudius Nalls, Marius Boyd, Williams Wells.

Mr. C. Nalls: Claudius Nalls...

Chair Pro Tem Miller-Anderson: Hold on one second. Walter, you all have the clock?

Media Team: [Inaudible].

Chair Pro Tem Miller-Anderson: I know. He.., you're working hard back there.

Good evening. Mr. Nalls, you can go ahead.

Mr. C. Nalls: Claudius Nalls.

I'm here in support of Waste Management. I think, over the years that I've been in Riviera Beach, when they took over from the City, that they've done a great job. Minority participation has been great, been fundamentally and supporting nonprofit organizations. You call them, they listen to your complaint, if you have any.

The only complaint that I have is not Waste Management, it's that the citizens in Riviera Beach, have a way of [inaudible] the recycle. Our communities, our nation, our cities, our communities, have to stop throwing away stuff in our streams and waterways. We have to recycle. I don't see hardly anybody doing that. I noticed I'm changing the subject but we need to recycle our plastic and stuff. We gotta do that. I know they'll pick it up, and they gave us containers to do that.

But I'm just letting you know that I do support Waste Management, and hope that the contract will be given to them for our future cleanup of our City.

Thank you.

City Clerk Anthony: Marius Boyd, William Wells, Sabrina Lowe.

Mr. M. Boyd: Good evening, Council. I'm Marius Boyd, owner of MDB Services.

Our firms holds various designations at the federal level, at the state level, and also at the local level. We supply those.., my apologies... Our firm is certified as.., for the supply and delivery of various petroleum products and services throughout the county. We also provide those same services for PalmTran Connection, in addition to Orange County Public Schools and various other state and var'.., various other state and local agencies. We are contracted as an essential minority subcontractor for multiple Palm Beach County prime vendors with performances dating back to 2012.

This opportunity was awarded to our firm due to three reasons, the capabilities, capacities, access to capital and last but not least, our certifications. It's written that all certified firms maintain the accuracy and compliance reporting for active certifications. It's a process. It's not something that we just go ahead and complete and next thing you know, there's fulfillment and there's contract [stammer], there's contract opportunities. It is something that we do have to stay on top of on an annual basis. Annually, it's mandatory to maintain these local and state and national recognized certifications as required by all primes, in order to fulfill underneath the contracts.

As a certified business, it's beyond encouraged to perform the actual work. As a small business, it's important for us to perform the actual work. We do have the capacity and the capability to perform. So, as a certified SBA, AADB minority owned small business, one of our purposes is to add value, to providing services and/or delivering products.

I ask that the Council strongly consider the agency responsible for certifying the capacities and the capabilities of all firms that are trying to perform work underneath the [inaudible] RFP.

Thank you.

Chairperson Lanier: Thank you.

City Clerk Anthony: William Wells, Sabrina Lowe, Reshard Coley.

Mr. w. Wells: Good evening, Council. My name is William Wells. I'm a, a small, black business here in Riviera Beach. I have been in Riviera Beach for, like, the last eleven years. We do a small.., well, it's not a small, it's a bookbag drive with Waste Management. We actually started back in 2001, and Waste Management actually helped us to be able to start passing out over five hundred bookbags to the actual residents of Riviera Beach.

So, I get to see them on both actual ends. I get to see them on that end, and actually on the actually pick up end of trash services. So, they have been great. I think it would be good to continue business with them in the City. They've just been great for us to actually help us expand to help more. And it's not just actually cutting hair inside of the City, which I actually grew up in.

So, that's just a little of my time. I wanna give a little to my actual wife. If that's...

Chairperson Lanier: Go ahead.

Mr. w. Wells: ...[Inaudible].

Ms. C. Dixon-Wels: Good after'.., good evening to the Board and Madam Chair, thank you for the opportunity to speak. Thank you to both companies that presented. I think that both of your proposals were awesome.

I had a few questions. I don't know if the Board will be asking questions of the companies. So, as my husband shared, he has a business within the City of Riviera

Beach and, understanding trash, just having a home and understanding how that goes, I thought that both proposals were amazing. I just want to know that the financial capabilities of both companies are in a position to be able to offer what has been promised, to be able to do for the City, so that they are in a position to deliver on what they have proposed.

I did hear what someone brought about the timeframe, and that's interesting. I made notes of the prices that were presented in the proposals of what is current, what is proposed by both companies. And, I asked of the Board, of both of the companies, if there were options for negotiations if there was a [stammer] consideration for Waste Management.

I'm always excited to see a, a minority business come forward and do well and grow, and I, having been a child who got to see, coming from Atlanta, moving to Florida, how joint ventures come about and how partnerships are created. Maybe, if the opportunity is not given to the Goode Company, that maybe Waste Management would even consider bringing them on as a subsidiary or a joint con'.., joint contra'.., joint venture contractor to even participate with them, to make sure that they continue to grow as a company coming from out of state, into state, with a already established contract, already established, understanding within the community maybe there's an opportunity there.

But, you know, I think Waste Management has done well. Like my husband said, they've been a benefit. So, we encourage and support them.

Thank you

Chairperson Lanier: Thank you.

City Clerk Anthony: Madam Chair, Members of the Board, Sabrina Lowe declined to comment. Reshard Coley, Dr. Emma Banks, Shelby Lowe, of Shelby Lowe & Associates.

Councilperson McCoy: I'm sorry. Which Shelby Lowe is this? Is this...

Councilperson Botel: [Chuckles].

Councilperson McCoy: ...our Shelby Lowe?

Unk.: Our Shelby Lowe.

[Chuckles]

City Clerk Anthony: Mr. Lowe.

Mr. S. Lowe: Good afternoon. Shelby Lowe, Lake Park. 929. Yeah. I used to be your Shelby, and tried to stay on but that's another story.

[Chuckles]

Mr. S. Lowe: Waste Management, we've had a relationship for quite some time and I've sat on that side, obviously, and been in the position that, that you are currently. And one thing that I admire about the company is their presence...

City Clerk Anthony: Your mic...

Mr. S. Lowe: ...and their commitment to excellence.

Chairperson Lanier: Microphone [inaudible].

Mr. S. Lowe: I'm sorry. I'm sorry, Ms., Madam Chair. [Chuckles].

And their commitment to excellence. Whenever I needed anything as a, a Member of the Council or [stammer] an elected official, Waste Management was present. And, you can blame me for the community benefit program. You know, Hal Butch Carter, he was here, formerly. He took Allie's place, but we saw an opportunity to aid the elected officials in dispersing money out to the community.

You know, we were dealing with shortages and we weren't getting the funds, the individual Council Members that we were used to getting. So, as an alternative, we said, hey, let's start giving each individual Council Member a pot of money so they can help the community. And I'm proud to say, in the last ten years, we put out at least \$1MM worth of charitable effort in this community.

And, you just passed \$3,000 worth of community benefit at this meeting. And, every meeting, there's charitable organizations spending that money. And, I thought that that would be a plus for an elected official to have a pool of money to say, hey, we can help you. It may not be much, but we can help you. So, you can blame me for that. And if you don't wanna keep it, you don't like it, if it's a problem, you know, blame me.

But, Waste Management, as far as resources and being in the community, you know I believe in them and they believe in this community. And, I support them 100 percent. And, they believe in me, I guess. They sought my advice and my, you know, counsel, in terms of being a consultant with the company. And I'm proud to be on the team.

And if you have a problem, I know how to find you and I know this..

[Timer]

Mr. S. Lowe: ...community very well.

Thank you.

Councilperson Botel: Right.

Chairperson Lanier: Thank you.

City Clerk Anthony: Reshard Coley.

Mr. R. Coley: I waive my [inaudible].

Chairperson Lanier: Very good.

City Clerk Anthony: Dr. Emma Banks.

Unk. Audience: She's gone.

City Clerk Anthony: Bessie Brown.

Councilperson Botel: Gone.

City Clerk Anthony: Guarn Sims?

Chair Pro Tem Miller-Anderson: He's gone.

City Clerk Anthony: Tonya Latsin, Anthony Jenkins, Capurnia Boston.

Unk. Audience: [Inaudible].

[Applause and chuckle]

Ms. C. Boston: [Inaudible] Capernia.

Unk.: Oh Capurnia.

Ms. C. Boston: Good evening everyone. I'm here to let you all know... First of all, Board, thank you for all your wonderful help. And, also, I have met the Goode Company. And, with another connection. The Goode Company has also agreed to be a financial support to nonprofits. They're gonna start out with child outreach.

And, I've seen the proposals. I got too much going on to get into the individualities, but I wanna say that I was contacted by them. Didn't know the situation, but they contacted us to support our nonprofit, so that we could continue to help the residents of Riviera Beach. Amen?

All: Amend.

Ms. C. Boston: And their dollars, I'm gonna make 'em holler.

[Chuckles]

Ms. C. Boston: Come on. Give me a hand clap.

Chairperson Lanier: Alright. Thank you.

[Applause]

City Clerk Anthony: J.B. Dixon, Delores Williams, Mary Brabham.

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

I'm glad I came up here earlier with a compliment because this is not one. I was very disturbed..., I was, I was curious in the beginning because I heard Ms. McBride during her presentation use the word represents a lot. And I kept thinking, what does that mean?

Represents? It sounds as though they claim. And, I don't know who is on the Board or the Commission or the Committee that did the rankings of the two companies, but if what the lady from Waste Management said is true, then why are we judging people on what they represent? Didn't that group, whoever they were, check out to see whether what she said is true? Whether something is an MBE or not? Is it registered or isn't it? Do you mean they didn't do that kind of vetting?

Then, why would.., if that's true, and some of the other things are true, why would you take any of the rest of that proposal as being true? I thought they made a very good presentation. I was all in favor of [chuckle] them. And, maybe what the lady from Waste Management says isn't true. [Chuckle].

But, you know, unless you can say tonight, yes, they did.., they did look into this, it's very... You're either registered or you're not. So, that's, like a simple thing to look at. And I would like to know who these people are, who did the ranking, if they did not do that kind of simple factchecking, and went ahead and did, did rankings, without it. I would really like to know that tonight.

Thank you.

Chairperson Lanier: Thank you.

City Clerk Anthony: Delores Williams, Mary Brabham.

Ms. D. Williams: Well, I'm here again.

I enjoy solid waste treatment and service they give. It was a very, very, very good presentation. I hear all the negative things they're saying about you got all these lawsuits and everything. But, everybody starts somewhere. And if you can correct that, correct that. You did a very good presentation. Solid waste did a...

Chairperson Lanier: Talk into the mic, Mss. Williams.

Ms. D. Williams: So, I thank them for your presentation. I know you got quite a bit of people here to witness against you for solid waste, 'cause we are citizens for solid waste.

But, I'm here for minority business. And whatever which way they go, it's the citizens. We would be pleased with your service if you give it and you continue to service.

I've had some problem with solid waste. Some of.., didn't get up and say some of the things that you had problems with solid waste. So, just remember, solid waste, you have had fallen some places, had some things that was not right. Right? Yes.

'Cause here, a little while back, we weren't getting our trash 'til about 4:30 or 5:00 o'clock in the evening. And sometimes, we weren't getting the trash picked up on your due date. So, we [stammer] just wanna be so negative at these people 'cause they're coming in. So, it's a.., look in the mirror and see who you see looking back at you. It's yourself.

Remember what's go up, got to come down. And time will tell on you. I'm telling you, it's coming up again. You, me, everybody. Time gonna tell on you. And what's being put in the book, and being written down, can't no Council, can't not judge, can't no president, take nobody's do it but God. So, have a clear, good conscious.

They told me one time, 'Don't you get her with that God stuff no more.' I'm gonna get her with that God stuff, 'cause that's what we got to live by. Do the right thing for people.

I want you all to know, I'm here for the City, and I love this City. I wasn't born in here, but my mom brought me here from West Palm to right here. So, whatever my hands find to do, I'm gonna do it well. Sometimes people not gonna like it. They don't.., they... I had my card one time, they wouldn't take my card. They don't like certain people get up here. But the ones that praise them, you can see the [unintelligible noises]. But that's alright. It's in the book. And it's book and it's being written down also. Your thoughts will fall off you before they get to you.

God got a record. I wanted to let you know, the record of me, the record you, the record of everybody. Citizen, I might run for one of those seats up there.

City Clerk Anthony: Mary Brabham.

Chairperson Lanier: Thank you, Ms. Williams. '

[Timer]

Chairperson Lanier: That's it.

City Clerk Anthony: Ms. Brabham.

Chairperson Lanier: Okay.

Ms. M. Brabham: Mary Brabham, Riviera Beach.

I'm gonna make some bullet points here. The presentation. We have had garbage in our com'.., City that have not been picked up in days. Ms. Brabham's street, with your trucks, I have complained about their trucks. We have stains in our asphalt. Number one, Goode Company is forty percent lower. Two, Goode.., Goode's score was 657 points, Waste Management scored 559 points. Now, you must remember now, they had a Board. Four was on the Board I think. Some.., four from Staff here, and one from West Palm Beach. Okay?

Three, Waste Management proposal was incomplete. They did not even have a Transition Plan for us. Okay. Now, how you like that? Okay. Goode did tell us ninety days, they ca'.., they came in and they, and they gave us.., they gave us a Plan. They will activate a call center in Riviera Beach. See? Waste Management, we can't call them. We be calling all day here to the senate. They have a call center. This will relieve the burden off the City performing customer service. This is what we call customer service.

We are the residents. Waste Management has abused us. 1995, and here it is 2021. How many years does that make? Twenty-six years. You never reached out to us as residents, you gave the fundings to the Councilpeople and they gave it to who they wanted to give it to. And nobody consulted we, as residents.

Six, Goode is give five percent discount for small business, and Goode is giving five percent discount for [stammer], for commercial customers. Now, in you alls workshop, Randy went through the franchise agreements that they getting all the meat and butter on. And we are losing out.

I took those notes. Seven, Goode is, is providing four summer jobs for high school seniors to include an opportunity for them to visit their Washington office, as well as scholarship. Plus, on top, they're gonna give in to our main events. They're gonna help us do marketing. Something that would ease the burden off of us. A lot of people in our City do not have Channel 18, nor internet service. That truck there will serve as a marketing, to inform our residents of the special events that we are having in our City.

Now, the price rate. Goode \$13.65. Waste Management \$17.34. That is a difference of \$368., three., \$3.68. Round it up to the nearest dollar, you might as well say four dollars.

[Timer]

Chairperson Lanier: Thank you, Ms. Brabham.

[Chuckles]

Ms. M. Brabham: So, I have concerns...

Chairperson Lanier: Yes, ma'am.

Ms. M. Brabham: about Waste Management, as well as we other.

Chairperson Lanier: Yes, ma'am.

Ms. M. Brabham: [Inaudible]. You have not reached out to us. You have not reached out to us.

Chairperson Lanier: Thank you, ma'am.

Is that, Ms...

City Clerk Anthony: That concludes public comment for this Item.

Chairperson Lanier: Alright. Very good.

Are there any questions from the Board in regards to public comments, in regards to the two presentations that we saw this evening?

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson Lawson: Thank you, Madam Chair.

I'm gonna start with questions first for Staff. Mr. Evans, we had discussion previously...

Chairperson Lanier: He went to the restroom.

Councilperson Lawson: Alright.

[Chuckles]

Councilperson Lawson: Mr. Sherman. Mr. Sherman, if we could talk about just some of the financial impact on this then. [Pause]. If you could give us an idea of the total value of this contract over the five year, with a possible five year renewal.

Finance and Administrative Services Director Sherman: Over five years, probably close to sixty, \$65MM.

Councilperson Lawson: I'm sorry. What?

Finance and Administrative Services Director Sherman: Sixty to \$65MM.

Councilperson Lawson: Okay. So, over a five year period, it's a \$65MM contract?

Finance and Administrative Services Director Sherman: Once you could in all the commercial accounts.

Councilperson Lawson: Okay. So, and then, this contract also has the option of a five year renewal, correct?

Finance and Administrative Services Director Sherman: Correct.

Councilperson Lawson: Okay.

And, Ms. Pemsel is not here tonight.

In regards to billing, how does the billing work from the vendor, currently, with what they're expecting to bill out residents. And how is that gonna transition with, with a new vendor if we went with Goode Company?

Finance and Administrative Services Director Sherman: Well, the City does all the billing for the residential customers.

Councilperson Lawson: Mhmm.

Finance and Administrative Services Director Sherman: And then the City receives an invoice from Waste Management for all of those customers. So, whether we collect the dollars from the customers or not, we pay Waste Management a hundred percent for their service.

Councilperson Lawson: Okay. And we receive..., we've been with Waste Management for about ten years. There has been about close to a million..., I believe Councilman Shelby Lowe mentioned \$1MM in community benefits. Is that, is that accurate? That we received over..., close to a million dollars?

Finance and Administrative Services Director Sherman: Yeah. 'Cause you're getting \$90,000 a year. So, over that period of time, ten years, you're close to the \$900,000.

Now, I'm sure, the way I took the comments were, their making commitments outside of the community benefits is...

Councilperson Lawson: Right. So, in addition to the community benefits, there's been residents that seem like they came up, that they've benefitted from. I heard few of the residents speak about that.

So, the commitment to the community is going to be very important financially, because the benefits, while we may see differently about the community benefits and the impact, that's money that's going directly to nonprofits. Whether it's been called a slush fund, it's been called whatever. But, at the same time, if we can work a program when it comes to providing support, financially, for these nonprofits, for the businesses in our community...

We had a presentation about the auxiliary groups tonight. So, certain things that we need to go ahead and help fund, even if it's not gonna be under the control of the Council, the Council's gonna change every nine years with, with term limits. So, essentially, the community benefit needs to be beneficial to the residents. And, that's something that has come out of this \$120MM contract that's been a little bit beneficial.

The price points. I believe that's all I had financially for you, Mr. Sherman. Thank you, sir.

And Mr. Evans, we had a discussion previously about the inhouse trash. Have we done an analysis, or seen how feasible that would be, to bring that contract inhouse, five, ten years from now?

City Manager Evans: Madam Chair, if I may?

Chairperson Lanier: Yes. Go ahead.

City Manager Evans: We did have a, a series of community meetings, and, and did a, a rough analysis that was facilitated by Staff to look at the ability for the City to insource this particular option. Insource this particular service. Conceivably, in the event that the City was going to move in that direction, you would have to add some type of an administrative fee that conceivably, we would have to save over of a period of about five years, to be able to get back into the business.

With the automated side loaders and the cost for apparatus and the worker's comp and liability, and then the facility to be able to accommodate those, it's a pretty expensive endeavor to get into.

But we did calculate that, in the event that we were interested in moving into that particular business arena that, with a.., and I can.., I'm trying to pull it up here on my computer. With an admin fee that would be associated with the services that are provided, and we were to set that aside, we can have the, the revenue stream associated with the bonding that would result in us going to the market for probably, I think, roughly about \$25MM to get back into the operation. And then, it becomes an operate'.., or, an enterprise fund so, it functions as a business.

So, in the event that was something that was something that the Board wanted to explore, in greater detail, we certainly would have to have a more robust discussion. And, and so I was able to bring up the slide here. When we looked at City operated utility providers, we looked at, you know, West Palm, we looked at the Town of Jupiter, and what their rate would be. And, we anticipated .., the administrative fee that the City of Riviera Beach collects right now is about \$1.7MM. We thought that if, if this was something that we wanted to get back into, the business, the capital outlay would be roughly about \$25MM, and we would need to generate about \$2.5MM annually to cover the debt service to go out for the \$21MM.

If this was something that we would look to do, the rate would be anywhere between \$17.95 to \$21.43 for the City to, to be in that business. And, this is at cost today. So, you have to also consider an.., and what we did is, we considered probably an escalation rate of a little over three percent, that over a five year period. So, you're looking at your rates being quite a bit more expensive.

However, the turnback that you get from the operation into your general fund, as Utility or Utilities as well as solid waste operations are a lucrative operation. And this doesn't go into the different collection and rates related to the commercial and industrial side. So, there's other revenue streams that are there, associated with it.

But it would be a costly proposition, and it would require some time for Staff to get back into that particular business model. And, and the staffing model that you've heard from the consultants.., or from the, the proposers, is the same model that we were looking at, roughly anywhere between twenty-five to thirty-five employees, to be able to move into that, to that space.

But it is something that we did have a series of community meetings but that was in the, the heart of COVID. So, we really didn't get, you know, a lot of folks that participated. I think in totality, we maybe had, maybe sixty-five to seventy-five people. But, it was something that we did have the conversation with the community. But, if that was something the Board wanted to look in, it would take some time for us to spin up that operation.

Councilperson Lawson: Right. So, looking at a \$120MM contract, essentially over a ten year period, it's just some vital information, critical information that we'd wanna look at to explore possibly bringing that inhouse.

The reasons that I've asked tonight about the job opportunities, about the local participation, is because these dollars are going outside of the community. But if these companies are willing to hire within, are willing to employ our City Staff, are willing to give those resources and give us a great rate, then it can be comparable to working with one of these two companies.

I know Waste Management is willing negotiate. I just wanna see what's their best price point that they'll be bringing to the table.

Finally, there were some serious allegations that were brought to the Council tonight from one organization to the next. Can you please address some of those concerns that were brought up in reference to the RFP? So that we can make a, a critical decision tonight?

City Manager Evans: Madam Chair and Members of the Board, I'd have to defer to Deputy City Manager, Ms. McBride. She was on the Committee related to the solicitation. I can tell you that, from some conversations, and even some discussions with the Attorney's office, concerning solicitations, most of the solicitation documents, there is, you now, you provide the references and those types of things, and they judge off the book. They go off of best information that's provided by the companies. Because, if you go into subsequent background checks or vetting of companies, at what point is it.., and who is going to be the person to throw out that particular proposal? If the po'.., if there are exceptions or there is situations that there's material flaws in the solicitation, that's when the Procurement Department would effectively say that this, this bid or this solicitation is nonresponsive. And then, you know, go into the.., whoever the next bidders are.

But, both of those proposals did come to the Procurement Department, and then went through an internal vetting. As it relates to going into doing background checks, we actually asked the county if that was something that they do.., that they did, and that was something that they said they don't get into that detail. They're conscience of the questions they ask, but they don't go into a further background check and deeper dive related to if the contract'.., contractors did x, y, or z. And then who would be that person that would make that call? So, it is a, a very, you know touchy point.

But, as it relates to the, the scoring and some of the items that were provided in the presentation by one vendor, Ms. McBride can talk about the Staff's scoring, but I think if you have questions of the vendor, and some of the allegations that were made, I think they're more appropriate to be able to address those questions than Staff.

Councilperson Lawson: And for, I guess, clarity and being fair to both teams, we would have to ask the same question of both teams since they're both in here. So, I'm, I'm assuming that's something that we can present when we get to that portion.

But, after Ms. McBride goes into this presentation, my only concern was for Procurement and how we procured these two contracts. Because, as you stated, we're

looking at..., or Mr. Sherman stated, we're looking at a \$120MM contract. And, previously, my concerns, again, were that we've had minimal bidders on some of the contracts that are going out.

This dais, this Council has been serious about being transparent and committed to the City. So, I'm trying to understand why are we not receiving the same type of support? Because, I, over the last two and a half years, spoke to numerous trash companies that were very interested in our community but we only received two at the time.

City Manager Evans: Madam Chair, if I may?

Chairperson Lanier: Yes. Go ahead.

City Manager Evans: One of the challenges that you have is, is similar to the same challenge that the Board just experienced with the CRA Attorney position. When you have an incumbent that's in the position that reapplies for the opportunity, other bidders look at that as a..., just a deterrent to start off with. This particular hauler has been in place since 1995. So, as other entities look at that, those are things that come into consideration when they're looking to spool up and say, hey, is this a solicitation that I'm interested in getting into?

Plus, it's a, like I stated in the presentation related to, if the City was to get back in the business, it's a large capital outlay and a large investment when you don't necessarily have some of the institutional knowledge and background that Waste Management has, about the level of service and the business that's being provided to the community. So there's some guesstimates that you would have to make related to that. 'Cause that's not information that we have inhouse to be able to grab from our particular books to be able to provide it.

So, it's a very complicated solicitation. And, it's a very challenging one. Especially when you have the cost associated with spooling up those particular operations. But, you know, we, we certainly did everything that we could to try to get folks to submit for the, the job. And, you know, we're here at this point. So.

Councilperson Lawson: And mind you, I'm very appreciative, like I said, of the companies that did submit. So, thank you for your interest in the City and we're excited.

I've always said and I've always heard, the scared money doesn't make money. So, thank you for actually coming and making an attempt to be a part of the City. Okay?

Ms. McBride, thank you.

Chairperson Lanier: So, what is your specific question for Ms. McBride?

Councilperson Lawson: The allegations that were addressed in reference to the Goode organization, by Waste Management.

Deputy City Manager McBride: I think...

Councilperson Lawson: [Stammer]... I'm sorry. No...

Chairperson Lanier: I...

Councilperson Lawson: ...Ms. McBride was... I'm..., I apologize. That's what the organization is going to address. Ms. McBride was in regards to, I believe, the Procurement process?

City Manager Evans: The, the scoring.

Councilperson Lawson: The scoring. I'm sorry. The...

City Manager Evans: Yeah.

Councilperson Lawson: ...scoring process, yes.

Deputy City Manager McBride: Okay.

Chairperson Lanier: Alright .

Deputy City Manager McBride: Well, for the Procurement process... Well, we start at some with what.., so you can see what the Staff did do. Okay. The Staff advertised this particular solicitation on DemandStar and the Palm Beach Post, and it also was available through Construct Connect, and Construction Journal Limited. The reports from DemandStar indicate a hundred forty firms looked at the proposal, twenty-four downloaded the proposal. We actually received two proposals. And if I recall correctly, there was one proposal that withdrew.

Now, basically, our job is..., we review what is there. The Procurement Staff looked to make sure people have their certifications, their licenses. And no..., neither of these companies were indicated not to have their licenses, and not to have their appropriate certification. Alright?

And also, I would tell you that particular selection process was recorded. So, whatever you think occurred, you have the right to listen to the recordation, and also request, and maybe the City Attorney can, can advise, if that recordation can be included and transcribed as part of this meeting. Is that possible?

City Attorney Wynn: It can be transcribed, but not included as part of this meeting...

Deputy City Manager McBride: Okay.

City Attorney Wynn: ...it wasn't shown at the meeting.

Deputy City Manager McBride: Okay. Alright. So, it will be available if you desire to listen to it.

One question that came up about litigation of the parties, even though there was something in there, that was not considered. And, as you look at it by the Committee, because the criteria does not go to what you might have litigated, or whether you've

involved in litigation. And gener'..., and I will say too, I'm an attorney. Generally, courts do not look favorably on us taking litigation to penalize or to promote you.

So, that was not considered as part of that process. And, like I say, listen to the recording. If you, if you're worried about it.

Basically, the team consisted of Nydia Reynolds, our Assistant Finance Director; Terrence Bailey, our City Engineer; and at one time, our Interim Director of Public Works, who did oversee this operation; Richard Blankenship, our Director of Parks & Services; Mr. Pinder, who's a Public Works Manager from the City of West Palm Beach, and myself. Okay?

Chairperson Lanier: Alright. Very good.

Councilperson Lawson: Thank you, Madam Chair.

Chairperson Lanier: Alright. Thank you.

Let me ask a question. And it, it may be for Legal in, in regards to...

Deputy City Manager McBride: Right. Mhmm.

Chairperson Lanier: ...the City's... Does the City actually have a policy for MBE?

City Attorney Wynn: Have a policy for?

Chairperson Lanier: MBE certification.

City Attorney Wynn: The Procurement Code, and I don't, I don't know it, you know, right off.

Deputy City Manager McBride: That's...

City Attorney Wynn: ...addresses... And I don't know if you do, Ms. McBride.

Deputy City Manager McBride: Well, what I will say is, if I remember cor'..., recall correctly, when we had our disparity team here, Dr. Lee, who is an attorney... I thought his, his recommendation is we do not utilize those provisions, if you recall, the SBE, the MWB. That we adopt a commercial nondiscrimination policy until we can complete our disparity study. Alright?

Councilperson Lawson: Ms. McBride'...

Chairperson Lanier: Right. Let me finish.

Councilperson Lawson: And, to that point, Madam...

Chairperson Lanier: Let me, let me...

Councilperson Lawson: ...Chair, that's...

Chairperson Lanier: ...let me finish my... Let me finish.

Councilperson Lawson: Giving clarity for that point, 'cause...

Chairperson Lanier: Um...

Councilperson Lawson: ...Ms. McBride didn't answer...

Chairperson Lanier: Let me...

Councilperson Lawson: ...the question.

Chairperson Lanier: ...let me finish what I was saying first, sir.

Councilperson Lawson: Absolutely. Just letting you know...

Chairperson Lanier: Thank you.

Councilperson Lawson: ...she didn't answer your, your question.

Chairperson Lanier: I wanted to say that the..., because there is not a policy for the MBE, for the City, that,... So, can we legally give points for that? If we don't have a policy for it?

Deputy City Manager McBride: Ba'..., basically, they utilize , people are certified by the state or the county.

Chairperson Lanier: But we don't have a policy?

Deputy City Manager McBride: Well, your..., in your Ordinance, it's still there. Whether or not... Now, I would really have to let Ms...

Chairperson Lanier: Legal.

Deputy City Manager McBride: ...Ms. Pemsel answer that question, and Legal. Yeah.

City Attorney Wynn: In our, in our Code, Madam Chair?

Chairperson Lanier: Yes. Go ahead.

City Attorney Wynn: We have a section for small business enterprise participation...

Deputy City Manager McBride: Right.

City Attorney Wynn: ...goal. Just like...

Deputy City Manager McBride: Mhmm.

City Attorney Wynn: ...we have a preference for local vendors.

Deputy City Manager McBride: Local preference. Yeah. Mhmm.

Chairperson Lanier: Okay.

Deputy City Manager McBride: Yes.

Chairperson Lanier: Alright. Very good. Go ahead, sir.

Councilperson Lawson: So, the two things is, we can't legally implement that without our disparity study being complete. That's why we're pushing for that disparity study, 'cause the MBE program can't actually be legally implemented until we complete it.

That was something that our consultant actually advised to us. So that's why Ms. McBride stated that we would try to implement a separate policy. So that was the, the first thing with the MBE program. And, the seconds thing is, to give points for the MBE program, that's a very valid question.

Go ahead, Ms. McBride.

Deputy City Manager McBride: No. [Inaudible] provision did not set a quota or anything like that, whatever might have been stated by MWBE was basically aspirational. Would you not say, Ms. Wynn, as part of that pol'.., of the solicitation?

City Attorney Wynn: Yes.

Deputy City Manager McBride: Okay.

Councilperson Lawson: So, so to that...

Deputy City Manager McBride: [Inaudible]...

Councilperson Lawson: ...point, as well... Go ahead Ms. McBride.

Deputy City Manager McBride: And also.., and, Councilman, you have been one to push this.

Councilperson Lawson: Yes, ma'am.

Deputy City Manager McBride: For Ms. Pemsel to look at the data, and from the data of the available vendors, decide possibly what could be that aspirational goal for...

Councilperson Lawson: Mhmm.

Deputy City Manager McBride: ...the solicitation.

Councilperson Lawson: Correct.

Deputy City Manager McBride: Okay? Right.

Councilperson Lawson: So, so, just to that point, that's the purpose of us actually doing that disparity study. So, that'll be a good question for our consultants at our next meeting when they come back on, in reference to the MBE programs.

Thank you, Ms. McBride.

Deputy City Manager McBride: You're welcome.

Councilperson McCoy: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson McCoy: Excuse me. Thank you.

And I wanna really stay on that same point. So essentially, Ms. McBride, the question that was asked by the Chair, and also by Councilman Lawson relative to the point. If, what you're saying is true, that there's no specific goal that there has to be a certain percentage, or whether or not some of the information that was submitted by the proposers, are actually verified, or even confirmed.

Deputy City Manager McBride: Oh, no, no, no.

Councilperson McCoy: That begs to question of what is the real true purpose of the evaluation? And...

Deputy City Manager McBride: If you'll..., if you'll look at the evaluation. Look at the submittals. Most..., these ven'..., these bidders ...

Chairperson Lanier: Hold on, Ms....

Deputy City Manager McBride: ...submitted copies of...

Chairperson Lanier: Ms. McBride, hold on a second.

Deputy City Manager McBride: Yes.

Chairperson Lanier: Finish what you were saying.

Deputy City Manager McBride: I'm sorry.

Councilperson McCoy: Well, I was..., I, I was trying to make reference to that if..., what you're saying is that there's no adopted policy. And I'm looking at the solicitation. It says if your firm is certified as a minority business, submit your certification from local, county, or state certifying agency. In the event that one did not, and they were certified, and they missed out on the points, essentially, what does the points weigh?

This is..., I guess the evaluation, which it's not there, but I, I want to get to the point does..., how much does this evaluation weigh on the decision that the Council is gonna have to make?

Deputy City Manager McBride: [Stammer], well, as you see, that was, what, fifteen points?

Councilperson McCoy: Right.

Deputy City Manager McBride: Possibly.

Councilperson McCoy: Right. But I guess my..., if I can clarify.

Deputy City Manager McBride: Mhmm.

Councilperson McCoy: The standard that we have to use to decide, is that based on what Staff had went and scored, or the Committee has scored, or is that based on some other standard?

Deputy City Manager McBride: That was based upon..., the scoring for each vendor, was based upon the five reviewers.

Councilperson McCoy: Correct.

Deputy City Manager McBride: Okay. Alright.

Councilperson McCoy: And I understand that. But my question is, based on those scores, are you expecting the five Members of this body, to base their decision on your evaluation scores is my question.

Deputy City Manager McBride: Oh, no, no. No, no.

Councilperson McCoy: And so, I wanna make... Well, I guess I'm trying to get the point. Can you elaborate on the standard that we have to use when deciding which vendor t that we're gonna select or...

Deputy City Manager McBride: Now, I must deflect to your counsel, as to the standard you all must proceed with.

Councilperson McCoy: Right.

Deputy City Manager McBride: In making your decision.

Councilperson McCoy: Follow up, Madam Chair.

Deputy City Manager McBride: Okay.

Councilperson McCoy: And, and I apricate that, Ms. McBride.

Deputy City Manager McBride: Okay.

Councilperson McCoy: And I certainly wanna hear from the Attorney, but there seems to be a lot of confusion as to, you know, this score, 'I should've received this. They should not have receive that.' I don't want that to be interpreted as that should be a standard that we're gonna use in our deliberations.

Deputy City Manager McBride: [Stammer], Mr. McCoy, I must say, really and truly, we have no control. Just like we have no control of people who make a lawsuit against us, we really have no control...

Councilperson McCoy: Well, I, I...

Deputy City Manager McBride:over one's opinion.

Councilperson McCoy: ...certainly know that very well.

Deputy City Manager McBride: Yeah. Okay.

[Chuckles]

Councilperson McCoy: I, I know that very well.

Deputy City Manager McBride: I'm just saying, we have no control over what any [stammer] bidder might come up here and allege about their operations, or about the operations of their opponents.

City Manager Evans: Madam Chair, if I may?

Deputy City Manager McBride: Okay.

Chairperson Lanier: Um...

Deputy City Manager McBride: The best we do is respond...

Chairperson Lanier: Hold on, hold on, one second.

Deputy City Manager McBride: ...to the documents we receive.

Chairperson Lanier: Right. Hold on one second...

Deputy City Manager McBride: Right.

Chairperson Lanier: ...Msl., Ms. McBride.

Go ahead, Mr. Evans.

City Manager Evans: Madam Chair, the, the solicitation and the scoring that was done by the internal committee, was to look at the components that were memorialized in the actual solicitation and ensure that those components were incorporated, and then put..., provide a score.

The scoring is a document that is a work product. The Board has the authority, and has the sole authority, to take whichever firm they think is best suited to provide the service for the residents of Riviera Beach, based on the information that's contained in the solicitation, as well as the packet.

The governing rules for how you select and who you select, should be grounded in the principle documents of your solid waste Ordinance, as well as your Procurement Code. Those are prescribed by law.

So, those are the guidelines and the parameters that the Board and Staff, and everyone for that matter, is supposed to abide by. But, the scoring, and whomever..., whichever firm scored the most points, the decision is the Board's, exclusively, based on whatever factors you think is the most important for the residents that you do represent.

So...

Deputy City Manager McBride: Mhmm.

City Manager Evans: ...we provide the information, we vet the, the solicitation, making sure that these questions were asked. Staff helps provide a more thorough review of the information and then provide you. But that., the Board has the sole discretion, and can operate within the confines of your Procurement Code and your solid waste Ordinance. Those are the items that, in fact, govern this decision that the Board will have to make.

Chairperson Lanier: Very good.

I, I just wanted to say that, because all MBE goals are aspirational, we cannot give points if we don't have a policy. I think we got to the point where, if we're looking at, you know, who won the bid. Goode won the bid. Outright. But then, when there comes questions of can you give [stammer] I mean, can you give points for a MBE policy when you don't have one?

Then it becomes an issue of scoring. So now, we have to take all of that into consideration in terms of making a decision.

Deputy City Manager McBride: Mhmm.

City Attorney Wynn: Madam...

Deputy City Manager McBride: I think...

City Attorney Wynn: ...Chair?

Deputy City Manager McBride: The guideline, I think, should be your, your Council can make decisions based upon what they think are in the best interest of the City. Okay?

Chairperson Lanier: Exactly.

Deputy City Manager McBride: [Inaudible].

Chairperson Lanier: Let, let me let... Let me let the, the Attorney weigh in on this.

City Attorney Wynn: Right. If you look at the evaluated scoring, it's SBE or MWBE. And...

Deputy City Manager McBride: Mhmm.

City Attorney Wynn:your Procurement [stammer] Code has SBE goals. And those goals are a minimum of fifteen percent. So, that's where that comes from. But, you do have something in place that discusses your goals.

Chairperson Lanier: Okay. Very good.

Councilperson McCoy: Right. Follow up?

Chairperson Lanier: Yes.

Councilperson McCoy: But that's not what's in the solicitation.

Chairperson Lanier: I know.

Councilperson McCoy: So, unless the solicitation specifically calls for we're gonna exercise that goal, that we have provided for in the Code, then why are we now gonna try to even...

Deputy City Manager McBride: Well...

Councilperson McCoy: ...not even say avail ourselves of it, or give the impression that this is one of the scoring mechanisms that's gonna be a factor. And, I think, I think what we've established, and I think it's...

Deputy City Manager McBride: Well...

Councilperson McCoy: ...been said twice now is, that the Evaluation Committee, I appreciate your service, but it was inconsequential in the decision that's gonna be made because, quite frankly, if I believe.., or, if I recall the Manager, it's based on our Code. And what drives our Code is.., that speaks to solid waste. That Code section that speaks specifically to solid waste.

Is that...

Deputy City Manager McBride: Okay. Councilman McCoy, may I?

Councilperson McCoy: Yes.

Deputy City Manager McBride: The evaluation criteria is embedded and incorporated in the solicitation.

City Attorney Wynn: Yeah.

Deputy City Manager McBride: That criteria I had up, uh, came specifically from the solicitation.

Councilperson McCoy: Right. But I'm, again, I'm going back to the standard that we have to use. Is it gonna be.., like, can I base my decision off of you wearing a very nice pink sweater today?

Deputy City Manager McBride: Thank you.

Councilperson McCoy: Or...

[Chuckle]

Councilperson McCoy: ...should I be basing it off of what I think is the most, I guess, the most effective.., cost effective manner that's presented? As...

Deputy City Manager McBride: Mhmm.

Councilperson McCoy: ...far as the prices or... I mean, I, I wanna know what...

Deputy City Manager McBride: [Inaudible]...

Councilperson McCoy: ...factor should we be using?

Deputy City Manager McBride: The court give the decisionmaker, you the governing body, great discretion. Did I say that well, Ms. Wynn? Great discretion in your deciding who will receive this bid. We, we are just your foot soldiers reviewing. How you interpret, and like I said, we did not do any interviewing of the candidates. We just evaluated the raw proposal that was before us.

City Manager Evans: And, and Ma'...

Deputy City Manager McBride: Okay?

City Manager Evans: ...Madam Chair?

Deputy City Manager McBride: And...

City Manager Evans: If you could let the record reflect, I'm wearing pink too.

[Chuckles]

Chairperson Lanier: Very good.

Deputy City Manager McBride: And, and basically, the law...

City Attorney Wynn: [Inaudible].

Deputy City Manager McBride: Ms. Wynn. The law will show, unless ya'll engage in fraudulent or whatever, they're gonna give you great discretion in your decision making.

Chairperson Lanier: Um...

City Attorney Wynn: Madam Chair, can I make one correction to something I believe Mr. McCoy said?

Chairperson Lanier: Yes.

City Attorney Wynn: The evaluation criteria, on Page 15 of the RFP, does have the es'., the SBE and the MWBE language there., scoring criteria there.

Councilperson McCoy: Okay. I... Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson McCoy: I appreciate you pointing that out, but I guess the point that I'm making is, it is completely pointless, in my opinion, that we should even be considering the points, if the decision, or the standard that we have to decide on this, based on the discretion of the City Council. That could be advisory, but that's not a basis for our decision, is the point that I'm making.

Deputy City Manager McBride: Mhmm.

Councilperson McCoy: Am, am I kinda, kinda close maybe?

City Attorney Wynn: I think we're all saying the same... I think that's...

City Manager Evans: Yeah.

City Attorney Wynn: ...what Ms. McBride is saying.

Councilperson McCoy: Okay.

City Attorney Wynn: That it is advisory. It's a guide for you...

City Manager Evans: Right.

City Attorney Wynn: ...with the... Basically, the Committee went through the, the responses to the RFP, and, you know, just gave you a guideline as to what.., when they evaluated it. You, you did not go through it and do the, the scoring guidelines. They did that for you.

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

Chairperson Lanier: Yes. Go ahead, sir.

City Manager Evans: It, it's, it's comparable to the study guide. Basically, what Staff has done is provide you with a study guide related to the reviews of the two submissions. The reason that the presentations were done to the Board, is because there's factors that you need to consider as part of the presentation and the actual packet, in making your determination.

We did not want to be, as a Committee, swayed by those presentations. We wanted the Board, that exclusively has the right to make that determination, to hear the presentations, to review the packet and then make the determination based on the information.

But, the information, as it relates to the solicitation, are things and components that are important to the solid waste operation, but the decision is yours. We're looking at it from an operation standpoint.

Deputy City Manager McBride: Right.

City Manager Evans: And are the boxes checked for us to be able to provide the service with whomever the vendor is, that the Board selects.

But, you are not held to the, the same document and the same scoring that we, as Staff, provided. You can make a determination based on solely if it is price, solely if it's on location, solely if it's on, you know, other factors. That, that determination resides exclusively with the Board.

Councilperson Botel: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson Botel: I, you know, certain allegations were made tonight. And, I, for one, am not ready to make a decision until I know, and I would hope that Staff would be able to do this, until I know that those allegations are founded.., are well founded. I mean, if they're true, then it sways my decision to, to another.., it takes my decision to another.., different place.

So, is there any opportunity for us to say to Staff, we would like you to... You heard what's been said, we would like you to look into those allegations and let us know whether they're true, before we take the vote. I mean, [stammer] there's no pressing need to make this vote this evening, right? I mean, there's, there's no.., there's no compelling reason. We're not gonna go out starting tomorrow and have a new company, or the same company. It's... Can we wait until [stammer]... I would even.., I, I hesitate to say that we need a special meeting because...

Chairperson Lanier: I think...

Councilperson Botel: ...I know my colleagues., but...

Chairperson Lanier: I think we do.

Councilperson Botel: I, I... This is such a big contract. This is such an important decision for our City, that I think it deserves the most information, the most up to date, honest, reliable information that we can bring to bear to make this decision.

And I.., if that takes an extra meeting, I think it's worth the extra meeting. I, I, I just.., ;I don't feel ready to make a decision until I know that certain things are either true or not true that were said this evening. So, I'm hoping that my colleagues will agree to say, let's just give this a.., let's take a deep breath, try to find out the truth of some of the things that were said. And, if they're true, then I know who, who's gonna get my vote.

Deputy City Manager McBride: Madam Chair? The tra'.., the solicitation does provide for a six month window, that the new contract would not become effective until January, 2022.

Chairperson Lanier: Yeah. And... Yes. Thank you for that. And...

Deputy City Manager McBride: Mhmm.

Chairperson Lanier: Well, from my say so, I would say throw the whole thing out, because what's happening is this. I've been in this position before, where Staff has made a recommendation, we go back and forth, we go back and forth...

Deputy City Manager McBride: Mhmm.

Chairperson Lanier: And there's a lot of things happening with this contract. And the fact that this contract is a lot of money. We're gonna be hooked into this for the next five years. We have two excellent presenters and two excellent, I must say excellent, providers of service, and we need to be able to make the right decision here.

Now, if the allegation... See this word allegation. Allegations in a meeting, of what's happening with one group versus the other, it taints the whole process. So, that's just my druthers. It's an old word. That it would just go out again and we come back to the drawing board with this one, because this is over a hundred million dollars.

Deputy City Manager McBride: Mhmm.

Chairperson Lanier: And we don't need to take no chances with this, in terms of this coming back and then somebody wants to sue, somebody wants to [stammer]... Of course they will.

Councilperson McCoy: Oh, I don't feel bad then.

Chairperson Lanier: [Chuckles].

Councilperson McCoy: I mean, I'm glad.., I'm glad you've vindicated me. So, I'm, you know, I, I've had to avail myself of using the courthouse, so I'm glad you...

[Chuckles]

Councilperson McCoy: ...just vindicated me with your statement, that sometimes people just get that frustrated.

But, if I can be recognized, I wanna ask a question...

Chairperson Lanier: Go ahead.

Councilperson McCoy: ...regarding both of the Chair's statements.

So, obviously, what exactly would be the expectation? So I.., I mean, obviously, if you wanna exercise due diligence, you know, I will certainly support that, but reasonably. With very.., with, the specificity, what are we directing Staff to do? Because, quite frankly, if what I heard stated, there was an omission but then there was a disclosure. So, obviously there's litigation on both sides. If that's the case, I mean, what exactly would Staff go back to do? Verify that there was something that was.., may have been inadvertently o'.., omitted? Or, that there's litigation? Because, I, I mean, I looked at both proposals and there, there was a disclosure clearly on one of them, of some litigation. But, what's the expectation?

And I wanna know that [inaudible]...

Chairperson Lanier: Well, this is, this is, this is just me. I can't speak for the whole Board. My, my, my suggestion is to scrap it, put it back out to bid. We have the opportunity and the time, to do this. There is too many discrepancies here.

Councilperson McCoy: But, I mean, are you establishing that there's discrepancies or are you allowing Staff to go back and establish... That's my question. I mean, 'cause...

Chairperson Lanier: I mean...

Councilperson McCoy: ...I don't wanna be...

Chairperson Lanier: [Stammer]...

Councilperson McCoy: ...a fact finding body.

Chairperson Lanier: Discrepancy is a word that's been said tonight. I mean, whether the Staff go back and prove it true or not, it's out there.

Deputy City Manager McBride: Mhmm.

Councilperson McCoy: Okay. But what are we looking to, I guess, establish? That there was something omitted or there's some val'.., validity to the allegations? Or, that there's some pattern of behavior?

Chairperson Lanier: [Chuckle].

Councilperson McCoy: What, what are we looking for when we...

[Inaudible dais comment]

Councilperson Botel: Can I res'...

Councilperson McCoy: ...go back to Staff?

Chairperson Lanier: Go ahead.

Councilperson Botel: Madam Chair?

From my point of view, certain things were stated, by one company, that, that indicated that the other company had, perhaps, misled or not provided the truth about certain things. I just wanna know if those.., and I'll just have to use the word allegations. That's what they were. I just wanna know if they're true. I would ask.., and I, I don't agree with throwing it out. I think, God, what's gonna happen again? We're gonna have the same two vendors? Because these are the two vendors that re'.., responded to the la'... How, how many, Ms. McBride, a hundred a twenty some odd people looked at it?

Deputy City Manager McBride: Yes.

Councilperson Botel: And.., some, a certain number of people pulled it... But we only got, again, we only got two companies responding. Right?

Unk.: Right.

Councilperson Botel: So, if we put it out again, what's the expectation there? Will we get three?

[Chuckles]

Councilperson Botel: May we get only one? I mean, I don't see that putting it out again does us any good. What would do me good, would be to know the validity of some of the things that were, that were questioned. And, and I think that's something that Staff can help us figure out, given...

Councilperson McCoy: Oh gosh.

Councilperson Botel: ...a week or so of investigation.

Char Pro Tem Miller-Anderson: Madam Chair?

Chairperson Lanier: Yes. Go ahead, Ms. Miller-Anderson.

Char Pro Tem Miller-Anderson: I, I definitely don't agree with throwing it back out, because we have to be careful about doing those types of things because we're already struggling with trying to get people to come and bid on projects here in the City sometimes. And, I think when we do things like that, and don't make a decision, it sends the wrong message out to the business community.

I do think we should look into whatever the concerns are. I mean, as we said before, this is a very large project, and we don't want to make any bad steps on anything that we do. Because we're trying to move our City forward. We're trying to change our reputation. And so, I think it's important that we are very clear as to who we're bringing to do this job. From my understanding, I'm, I'm also hearing that we, we probably wanna make sure both are good. I know Waste Management are with us now, but if there are any concerns that are out there about Waste Management as well, those can be looked into as well.

We could schedule, you know, we could probably just add this onto one of our meetings next week, I think, maybe? Or, a special meeting. I don't even know what meetings we have scheduled. But, I don't think we need to put off too long with it. I think it's something that could be looked into fairly quickly and the information can be provided to us. And then we can have a meeting sometime next week possibly.

Councilperson Botel: I agree.

Char Pro Tem Miller-Anderson: I just..., I don't think we should throw it out. But I do believe it's important that we're very clear as to who we're having provide this service.

Thank you.

Chairperson Lanier: Okay. Very good.

Any other comments in regards to this? So, I'll let you give us some feedback, Mr. Evans, in terms of how we will, how we will proceed with this.

Councilperson Lawson: Madam Chair, I have comment before we go...

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson Lawson: ...to Mr. Evans. Thank you, Madam.

So, I'm in agreement with Councilwoman Miller-Anderson, that we shouldn't throw this out because we literally have two amazing companies that gave great presentations, to come to our City. There are some questions and allegations, but as Councilman McCoy stated, let's give some set direction to our Staff as to what we want them to vet,

what questions we have, what concerns we have with both organizations, and then put this on the Agenda for next week. Whether we do it right before our workshop, or at the next Council meeting.

So, I don't wanna drag this on, I don't want this decision to take a while, because I want us to move forward with this contract and continue to move the City forward.

Councilwoman Miller-Anderson made a great point that we're not getting to the point of just throwing projects out and just starting over. What we're gonna do is making sure that every RFP that goes out, Mr. Evans, is going to be airtight and solid. Make sure that we bring the best opportunity, with the best vetting of every project that comes to the table, and every concern that we've addressed with every RFP, is going into the next project.

But, we have two amazing companies here on the table. So, let's give the concerns to Mr. Evans, let's address them now on both sides that we have, have him come back with his insight, and then we go ahead and have this meeting wrapped up next week. Possibly before our workshop.

Thank you, Madam Chair.

Chairperson Lanier: Yes. Thank you, sir.

And, as I said before, I just.., I'm speaking from my position. And with all these consis'.., inconsistencies, and as I said before, I've been in this position before. And I think that we need to be able to ensure that if we are asking the taxpayers to spend over \$100MM, that we need to be very sure about who we pick for this contract.

Councilperson McCoy: Madam Chair? I think you gotta clarify. That's not exactly an expense on the taxpayers. It stands to value that amount. They stand...

[inaudible comment]

Councilperson McCoy: ...to gain that amount, but that's not exactly accurate.

Chairperson Lanier: Well, the thing about it, that somebody has to pay for it, and who's gonna do it?

Councilperson McCoy: Right. But that's more along the residential... I'm sorry, more along the comm'.., commercial and industrial...

Chairperson Lanier: Well, I'm talking business...

Councilperson McCoy: ...customers.

Chairperson Lanier: ...and residents.

Councilperson McCoy: But, I don't wanna give the impression... When you state that this is \$100MM expense on the taxpayers, it's not.

Councilperson Botel: Right.

Chairperson Lanier: It's...

Councilperson McCoy: So, it, it's, it's...

Chairperson Lanier: The people who are paying taxes in the City are residents and businesses.

Councilperson McCoy: Yes. But, Madam Chair, when you stated it, you phrased in a fashion that suggests that that is...

Chairperson Lanier: The way that...

Councilperson McCoy: ...[inaudible] expense.

Chairperson Lanier: ...I phrased it is that people in this City pay taxes for their services.

Councilperson McCoy: Okay.

Chairperson Lanier: Period.

Go ahead, Mr. Evans.

City Manager Evans: Madam Chair, procedurally, I, I think some of things that we can, we can look to do to try to resolve or, or cure some of the items, is we can go back at Staff level and review the, the tape of both the Committee, as well as, this evening, Staff will work to jot down notes or items that were contained in the PowerPoint presentation. And then, come back and be able to address those particular issues, as it relates to the research.

The other component is, I think it is valuable to have either of the entities, both of the entities present for additional comments or remarks because there may need to be additional clarity that is provided to them.

And so, I think conceivably, we have a, a CRA meeting on Thursday. We can look to maybe handle this before we have the CRA meeting. That gives us a couple of days to have some discussions with both groups, to review the tape, and to bring back a complete analysis of some of the items that were raised in this particular meeting.

As well as, we'll find a way to put the..., to email the Board the audio file, so you can hear the, the remarks and the conversation from the Committee. And I will ask that the Committee be present for your next meeting as well. Of Staff. And, and we'll reach out to, hopefully, the representative from West Palm that can be present.

But, the Staff that is staff of the City of Riviera Beach will be here at the next meeting.

Councilperson Botel: Madam Chair?

Chairperson Lanier: Okay.

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Hold on one second.

Councilperson Botel: Okay.

Chairperson Lanier: Go ahead.

Councilperson Botel: Did he say Thursday? We have a meeting on Thursday?

Char Pro Tem Miller-Anderson: Yeah.

Councilperson McCoy: Mhmm.

Chairperson Lanier: Yes.

Councilperson Lawson: Yeah.

Councilperson Botel: I missed that. That.., on the 29th?

Chairperson Lanier: Yes.

City Manager Evans: 29th, yes.

Councilperson Botel: Okay. The CRA meeting?

Chairperson Lanier: Yes.

Councilperson Lawson: Mhmm.

[Chuckles]

Chairperson Lanier: Mr. Lawson.

Councilperson Lawson: Thank you, Madam Chair.

Two things. We did run out of time with questions for Waste Management because of their presentation, so I wasn't able to ask some of the questions. Are we able to address those questions with Staff so that they can be included within the information that's vetted for next week?

And then, the second follow up question is going to be, I guess more so for Legal. How do we continue, continue our Cone of Silence, or does it fall within the Cone of Silence because we haven't made a decision? Because I don't want our Council to be bombarded with calls. I want the resident to understand that we still can't actually speak to residents, or to any of the companies about this project until we vote.

So, what is, what is the status, if we can be clear with the Cone of Silence?

City Attorney Wynn: Yes. I was going to advise you all that the Cone of Silence is still in effect. You haven't rejected it, and you haven't awarded it.

Councilperson Lawson: Okay. Thank you.

City Manager Evans: And Madam, Madam Chair, with regards to the questions. If you have specific question of the group, I would ask that you just them publicly for the record, so then we can come back and get those questions answered by the companies themselves. Because, you know, if you state the question and the Agenda.., we prefer to do it in a, a formal setting, and then we can go back and get additional clarity.

So each of the Board Members, if you want to go down and provide any additional questions or follow up that you'd like to see from either of the group, if you would state that, Staff will note that and that will be incorporated in the Item that we bring back to you on Thursday.

Chairperson Lanier: Okay. Now listen, are we gonna have this as a part of the CRA meeting?

City Manager Evans: Madam Chair, we're looking to have this at the beginning, prior to the start of the CRA...

Chairperson Lanier: Okay. So that will be a special meeting. Do we have the time to advertise? [Pause]. Yes? Okay.

So, what we need to do is, we, as the Council, will provide you with our questions?

Councilperson Lawson: No.

City Manager Evans: If, if can possibly state the questions that you have for either of the group. We know the items that were contained in the presentation...

Chairperson Lanier: Right.

City Manager Evans: ...by one of the proposers was some questions that, or allegations that were raised. We are gonna go to that. But if there's specific questions that you have, that you would like to have Staff do the research on and get the information...

Chairperson Lanier: Okay.

City Manager Evans: ...from the provider, if you can state that publicly and then we can go back and, and...

Chairperson Lanier: Okay.

City Manager Evans: ...have the conversation with them.

Chairperson Lanier: Alright. Very good.

Now, the other thing is that we need to look at that whole MBE/SBE issue. In terms of, of the ranking for the.., in terms of the rankings for the.., the, the points that were given. Because, we have established that all we have is some wording, not a policy, not an Ordinance, for that particular designation. But, we're asking, we're giving points for that. I, I just wanted to get back some clarity on that. So, if you...

City Attorney Wynn: Madam Chair?

Chairperson Lanier: ...can bring that back to us and just kinda give me some more clarity. [Stammer], 'cause I don't wanna spend any more time about it, I just wanna be able to be clear about where we are in terms of policy and what we're asking them for in terms of designation.

City Manager Evans: We'll certainly provide clarity to that in, in a written format, as part of the Agenda.

Chairperson Lanier: Alright. Very good.

Councilperson Botel: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson Botel: I, I don't have a question for the companies, I have a question for the evaluation team. And that is, why was a Transition Plan required from Waste Management? If there would have been no transition had they received the bid?

That's just my question. And they don't have to answer it now.

Unk.: Okay.

Councilperson Botel: Just.., when, when you get back to us.

Chairperson Lanier: Alright. Very good.

Chairperson Lanier: Any other questions that you wanna state for the record, to come back on Thursday for the special meeting?

Councilperson Lawson: Madam chair.

Chairperson Lanier: Go ahead, sir.

Councilperson Lawson: Thank you.

I believe Councilwoman Botel just asked about the Transition Plan. The trucks, getting clarity on the type of trucks that we're gonna have in the community, on the Waste Management side. And the outline of when we're gonna receive these, these vehicles. I believe Ms. Ellen stated that we would have about five.., three to four new trucks the first year. Just getting a clear outline of when the new trucks would be in the City.

Staffers, making sure and figuring out how many staffers are gonna be in place to run these routes. I got an answer from Goode's, but I wasn't able to ask that question. In regards to, how many staffers we have running the routes in the City, and how many employees actually are gonna be working on the Riviera Beach contract? I believe Ms. Ellen stated that she has about thirty employees that live in Riviera Beach, but that's for the different contracts. For our contract, how many residents are gonna actually be employed?

I noticed that the price was going up. Getting an insight as to, I believe there's about a thirty percent increase from one company to the other. Getting an idea and an understanding of why that price increase is coming, based upon what costs, and make sure that... Ms. Ellen stated that there was a collection point comparison, that would show the difference and the reasoning behind the price, where Goode stated in their proposal, thirty thousand collection points, versus Waste Management, thirty-eight thousand collection points. So that would absolutely determine the difference in pricing. So, making sure that we have clarity with that, 'cause I wasn't able to ask Ms. Ellen that.

Having access to the Third Eye system. That was very interesting and intriguing because something that Staff would have an opportunity to review when we get these phone calls about no pickups, about issues with the, the trucks. So, figuring out if that's an option for Waste Management, or why they don't wanna re'.., give that information. If legally, that's just something that they don't wanna provide or what's some of the concerns? 'Cause I know Goode was gonna give us access to that.

And, total staff routes, new trucks on the road... I believe those were all the additional questions I had, I didn't get a chance to ask for Waste Management.

But, thank you, Madam Chair.

Chairperson Lanier: Thank you, sir. And, and I also wanted to ask that same question, is, is the current.., our current provider, there's a significant increase in the amount on the weight they're charging versus what the incumbent [chuckle]... Not incumbent, but the, the, the other provider is, is charging. And I wanted to know would, would the current provider be willing to match that?

Councilperson McCoy: Well...

City Manager Evans: Madam...

Councilperson McCoy: ...[inaudible]...

Chairperson Lanier: Hold on a second. I'm not finished.

Councilperson McCoy: But that question seems like...

Chairperson Lanier: I'm not...

Councilperson McCoy: ...it's out of bounds.

Chairperson Lanier: ...finished, sir. I'm not finished. When I say that the current company has a rate that we're paying now, and the proposed rate is significantly higher.. It is significantly higher than the other provider that is, that has proposed their rate is much less. I want to know why those rates are so much higher than what we currently pay, and higher than what the other provider is requesting.

And, if we can get some clarity as to why that is, I, I just certainly would like to know that. But that, we're going from one particular rate, which is almost fifty percent

increase. And I just need to know why is that rate so high versus what other companies are providing.

That's my question for Waste Management.

City Manager Evans: Madam Chair, if I may?

Chairperson Lanier: Yes. Go ahead.

City Manager Evans: With regards to the rate, obviously that's a subject of bargaining and, and conceivably that will probably not be the rate, or our intent is not., for that not to be the rate. But that's gonna be part of the discussion.

However, we can ask them, based on their submittals, what was the impetus behind the rate that they provided? And so, you heard one of the proposers pro'..., provide that information. So, we'll be able to get additional clarity. But until we have a contract, that's when we'll know what the actual rate is. But, if you do have, you know, a question, you know, specifically to, you know, what the rate range would be, that would be something that they can provide as part of, you know, if you wanted to give them a couple of minutes at the, the next meeting to provide some, some remarks relate'...

Chairperson Lanier: They can provide it in writing to us. We, we, just...

City Manager Evans: Okay.

Chairperson Lanier: We, we need to be able to understand why the significant increase. And that's just a basic question of a layperson. You, you..., we, we are being charged this amount and now the amount that you are asking for is fifty percent over what we're paying. It's just a simple question.

[Inaudible comment]

Councilperson McCoy: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir,.

Councilperson McCoy: So, you know, I guess..., I wanted to almost touch on what Mr. Evans is gonna ask. Your question basically, you asked is one of the proposers willing to match? What I don't wanna see is an opportunity for someone to deviate outside of what has been offered already as their rate. And, I guess, it's kinda been confirmed with Mr. Evans' statement that this rate is subject to change? After the party has now kinda exposed their rate? Are we gonna allow for a situation where a person can then make a counteroffer to, perhaps, make it more competitive or more...

Chairperson Lanier: It's a competition.

Councilperson McCoy: Well, not after the bids are exposed.

Councilperson Lawson: Not after we've received the bid.

Councilperson McCoy: So that's what I'm saying.

Chairperson Lanier: When, when we, when we are looking at... We're sitting here now having...

Councilperson McCoy: [Stammer]...

Chairperson Lanier: We're, we're sitting here and I have not made a decision.

Councilperson McCoy: Madam...

Chairperson Lanier: I can ask what I wanna ask.

Councilperson McCoy: [Stammer]...

Chairperson Lanier: I'm asking that., I'm a'... First, I'm asking, is..., what is the reasoning behind a fifty percent increase in the current rate that we actually have now?

Councilperson McCoy: So my que'...

Chairperson Lanier: I'm also asking, if their, if their rate is significantly lower, can they, can they, can they do that?

Councilperson McCoy: But it would be...

Chairperson Lanier: Because...

Councilperson McCoy: ...improper to do that...

Chairperson Lanier: Well, listen.

Councilperson McCoy: ...after the bids are...

Chairperson Lanier: [Stammer]...

Councilperson McCoy: ...exposed.

Chairperson Lanier: Don't interrupt me.

Councilperson McCoy: But I was asking Mr. Evans a question.

[Gavel]

Chairperson Lanier: I am the Chair.

Councilperson McCoy: But I...

Chairperson Lanier: I am talking...

[Gavel]

Chairperson Lanier: ...now.

[Chuckles]

Chairperson Lanier: Thank you, sir.

Councilperson McCoy: So...

Chairperson Lanier: When I finish...

Councilperson McCoy: ...let me know when...

Chairperson Lanier: ...talking then...

Councilperson McCoy: ...I can finish.

Chairperson Lanier: ...you can go ahead and talk.

Councilperson McCoy: I think I had a question...

Chairperson Lanier: No. And I'm not finished.

Councilperson McCoy: ...directed to Mr. Evans.

Chairperson Lanier: And he answer your question once I'm finished.

Now, as I was saying, the current rates that we're paying for Waste Management is fifty percent higher than what is.., fifty percent higher. That's the proposal. There is another company that is competing for the same contract. And their rate is significantly lower. Now, maybe I can't ask them could you.., could, could you lower your rate. I'm asking why the difference, and why the increase in our rates for garbage collection.

That is the question I want to ask for this company, to be answered at our next meeting.

Councilperson McCoy: Madam Chair?

Chairperson Lanier: Where is Mr. Evans?

City Clerk Anthony: [Inaudible].

Chairperson Lanier: Let me have him to respond to that and then I'll give you an opportunity to, to pose your question, sir.

Councilperson McCoy: Okay.

City Manager Evans: Can you please restate the question, Madam Chair? I'm sorry.

[Chuckles]

Councilperson McCoy: Oh gosh.

Chairperson Lanier: That's the third time. No. Basically, you, you, you spoke to some of it before in regards to the difference between what we're paying now and the significant amount that is being presented...

City Manager Evans: Right.

Chairperson Lanier: ...for our attention.

City Manager Evans: Right.

Chairperson Lanier: The amount that this company is paying.., I mean, is, is suggesting. And I'm saying the, the two are far apart.

City Manager Evans: Right.

Chairperson Lanier: And, and I'm.., and you said that we would get to negotiations, to be able to work that out.

City Manager Evans: That, that is correct, Madam Chair. In the solicitation document, we asked for the rate. But, in the solicitation document, we said that the Board would conceivably rank who the number one ranked firm is, and then authorize Staff to negotiate the terms and conditions of a contract.

So, we are.., whoever that firm is, ultimately, we can go back and have subsequent conversations and discussion on the rate, and then bring back what a final proposed rate is. So, even though the companies have provided that rate, it doesn't mean that that's the final rate that's gonna come back to you for a contract now.

If it does and the Board doesn't like that rate, you have the ability to go to negotiate with the other entity. So, you still have the flexibility to effectively do that as you're not throwing out any of the submissions.

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

Councilperson McCoy: Okay. I wanna know if I can have my opportunity to speak unencumbered, because, the question that I asked is essentially what you just came back and asked. But, when I first heard you say the statement that, are we gonna ask the company if they could match.

I certainly know, under being in complete fairness that I wouldn't wanna compete if the party who was at a much higher rate is gonna be given a opportunity to come back and lower their rate. And my question was directed to Mr. Evans to ask the very point of were you guys going to possibly go back and negotiate the rate? And, he did answer that and said that is a part of negotiations.

Which now leads me to the point to suggest that if that's true, then we might as well throw this out. And here's why. Because, the rates that was offered inside of the proposals, if those aren't, in fact, true numbers, and another party is given the opportunity to counteroffer, then I'm not even sure what we're doing here. This just seems like that we're deciding to negotiate off of terms other than what's the most cost effective.

If a person submits a sealed bid, I would expect that that would be the rate that we use as a, as a.., at least as the, the starting point for the residential. If there's some other provisions that's negotiated on the commercial and ind'.., industrial side, then so be it.

But, it served no purpose to have it scored on pricing, or even follows the, the, the City Code on 17.5-3 that says the..., that cites the state statute that's..., that pretty much says we have to use the most cost effective way.

And, I don't wanna seem or appear to be unfair, if that's what the rules of engagement are. But, instead, what we're now hearing to be suggested, is that we're gonna receive counteroffers. I just think that that's blatantly... That, that really discourages somebody from wanting to do anything. And it discourages me to sit here and engage in a conversation where I'm gonna be open for a counteroffer, when this was done under the very premise that my bill is sealed and they all be opened at the same time.

So, either the rate is the factor or it isn't the factor. And if...

Councilperson Lawson: Madam Chair?

Councilperson McCoy: ...if the factor is the rate, then there's nothing else to discuss. But if the factor is not the rate, then you guys go ahead and negotiate, but don't put that in the solicitation as if that is... Well, actually, it's driven in the Code. So, this has become more convoluted and, and confusing. And I just don't even feel comfortable just with the very idea of us allowing someone to match...

City Manager Evans: Ma'...

Councilperson McCoy: ...another person's rate at this point.

Councilperson Lawson: Madam Chari?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson Lawson: Thank you. And, I believe just for clarity, Mr. Evans, I, I don't think that the, the responders are able to change their rate between now and next week's meeting. I believe that you're going to answer and address some of the questions, and then once we select our firm, you'll begin negotiations. Because I don't, I don't think right now, that they're gonna say, 'Okay. Well, we're coming back in lower because we saw the bids.'

What we're gonna do, colleagues, is we're gonna give Mr. Evans an opportunity to answer the questions that we stated on record, they're gonna come back next week and we're going to select our firm, Staff will then go into actual negotiations to get a final price, based on the exact parameters of what our City entails. They'll come back with a final price. And if that contract is not something that we're interested in moving forward with, we have an opportunity to go with the other firm.

But, they're not gonna go change their price. Waste Management is not gonna try to match this price now. Goode's is not gonna try to lower it to, to try to lowball them. It's just simply to answer some of the concerns we have that we couldn't get through tonight, that Staff didn't have ready, and next week, on Thursday, we'll be able to get those answers and move forward with our contract.

So, if, if I'm correct, Mr. Evans?

City Manager Evans: Madam Char, if I may?

Chairperson Lanier: Let me ask a question before you respond to the, Mr. Evans. Why didn't we include the franchise pre-calculation in the RFP?

City Manager Evans: We did not include the franchise precalculatation in, in the solicitation.

Chairperson Lanier: I'm saying, why didn't we?

City Manager Evans: Why di'.., 'cause it's separate and apart. That's an administrative fee that the City of Riviera Beach can levy on the, on the contractual provider. It's not something that's subject to the actual solicitation. It's separate and apart.

Chairperson Lanier: I don't understand because, see, we're talking about prices here, and that there was a calculation...

City Manager Evans: And, and...

Chairperson Lanier: Am I, am I...

City Manager Evans: ...and the...

Chairperson Lanier: Go ahead.

City Manager Evans: The impetus behind that is, if we said we were gonna levy a ten or twelve percent franchise fee, then you have a situation where this respondent's may be ten or twelve percent higher to make sur they capture that revenue as a component to remit the funding back to the City.

We wanted to.., we wanted to get their price to provide the service to the residents of the community. And so, if we said we're gonna levy a ten or fifteen percent fee, then you may see a situation where that's incorporated in their price, and then you're gonna levy that on top of it, so the ten or fifteen percent becomes twenty or thirty percent, realistically. So, we wanted to get their price. But that was in the solicitation document.

We knew that you cannot go out to the market for a solicitation for solid waste services and not get the price for residential services. The Board would not move forward because you would not know exactly what the cost would be to the end user.

So, price is a component associated with the solicitation, but there are multiple other factors as to the experience, the fleet, all other elements that you may say that, hey, this particular provider is a better provider. Their pricing may not be the best, but they are a superior provider. There's nothing that requires you to go with the lowest bid. There's no'.., even in construction projects. You still have the autonomy and flexibility to say I wanna pay a little bit more for 'x' service because I feel that there's a difference. So,

you do., it's no different than an applicant applies for a job and has a starting wage of this, and you negotiate it down. You still have the flexibility to do that.

We would not, as a, as responding to the questions that the Board has proffered, we would not say, hey, we negotiated with both and this is their price. No. Whomever the Board instructs us to negotiate, then we'll have an offline conversation, and then bring you back what the best and final offer would be.

And it was stated even in the presentation that they wanted the direction to be provided to administration to move forward with coming forward with the best and final offer for services.

Chairperson Lanier: I see.

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir,.

Councilperson Lawson: Well, I appreciate you running the meeting, and as Chair, by no means do you ever have the ability to interrupt a colleague's questions of the Manger with your own questions that were not addressed. Mr. Evans was directed and given a request to answer my concerns and you literally changed the entire topic of discussion, which was not outlined.

So please, I let him finish and I did not cut him off 'cause it's been a contentious meeting. And I wanna continue to move forward as a City, but please, allow for the business of the City to be moved properly, effectively, and responsibly. 'Cause that was not proper protocol.

Chairperson Lanier: So..

Councilperson Lawson: Thank you.

Mr. Evans, if you can, go ahead and...

Chairperson Lanier: Thank you, sir.

Councilperson Lawson: ...address the question that was asked earlier.

Chairperson Lanier: [Stammer], no...

Councilperson Lawson: I'm, I'm sorry, the statement that was made in reference to the concerns, and clarity, in reference to billing and budgeting, and negotiations with both teams.

Chairperson Lanier: Alright. Let me, let me, let me address your concerns. Because...

Councilperson Lawson: I, I'm sorry.

Chairperson Lanier: No, no, no.

Councilperson Lawson: I asked...

Chairperson Lanier: ...[Stammer]...

Councilperson Lawson: And respectfully, Madam Chair...

Chairperson Lanier: That's not how it...

Councilperson Lawson: ...I didn't interrupt...

Chairperson Lanier: No, no, no.

Councilperson Lawson: ...any of your questions...

Chairperson Lanier: This is not...

Councilperson Lawson: ...or conversation with Mr. Evans.

[Gavel]

Councilperson Lawson: Madam Chair...

Chairperson Lanier: This is not how...

Councilperson Lawson: ...listen.

Chairperson Lanier: ...this works...

Councilperson Lawson: This is enough...

Chairperson Lanier: ...sir.

Councilperson Lawson: ...of that, Madam Chair.

Chairperson Lanier: I am the Chair...

Councilperson Lawson: Mr. Evans...

Chairperson Lanier: ...of this...

Councilperson Lawson: ...please...

Chairperson Lanier: ...Council.

Councilperson Lawson: That's fine. But you do not...

Chairperson Lanier: And I...

Councilperson Lawson: ...have any authority over this...

Chairperson Lanier: ...can be able...

Councilperson Lawson: ...but running this meeting.

Chairperson Lanier: ...to say...

Councilperson Lawson: Madam Chair, I've let you speak the entire night.

Chairperson Lanier: ...and to be able...

Councilperson Lawson: Mr. Evans was speaking...

Chairperson Lanier: ...to say...

Councilperson Lawson: ...and you interrupted his...

Chairperson Lanier: ...what I want to say...

Councilperson Lawson: ...sta'...

Chairperson Lanier: ...to this Council.

Councilperson Lawson: Thank you. You have anything else...

Chairperson Lanier: Thank you.

Councilperson Lawson: ...to say, Madam Chair?

Chairperson Lanier: No, I'm not finished.

Councilperson Lawson: Well, continue.

Chairperson Lanier: Thank you, sir.

Councilperson Lawson: We'll, we'll sit and listen.

Chairperson Lanier: Yes. I am trying to move the business of the City along. You say that I am interrupting. I am not interrupting anyone, I'm giving everyone a opportunity to speak about this issue. This is a very contentious meeting. 'Cause we're talking about \$100MM. So, of course it will be contentious. Some people have interest in this deal. So, let us be clear that we want to be able to ensure that whatever we are having conversation about tonight, it's for the best interest of the residents who live in this City. Period. That is our only job here tonight, is to ensure that the City is going to make the best deal possible. And also, that it is the residents that we have to look out for. It is not anyone's ego, it is not anyone's preference. It is the residents of this City who come first.

Mr. Evans, please respond to the question.

Councilperson Lawson: So, I'm gonna respond to you, Madam Chair, before our Staff will respond.

There's no ego, there's no preference. This is all about the City. It's in reference to proper protocol. I asked Mr. Evans to address a question and concern that was address by my colleagues, and you changed the topic of discussion. That was my concern, 'cause we are all engaged and concerned with the direction of where this going, 'cause this is a large contract. And respectfully, please follow that continued protocol.

Chairperson Lanier: I will continue to follow the protocol that is listed in the Robert Rules of Order and the parliamentary procedures.

Councilperson Lawson: And you gave me the floor, Madam Chair.

Chairperson Lanier: And, thank you, sir.

Councilperson Lawson: You realizes you gave me the floor? And you took it back by not allowing for our Staffer to respond. So, if you don't allow for our City Manager, that means you took the floor away. So, if you're gonna follow...

Chairperson Lanier: I am following the rules...

Councilperson Lawson: ...Roberts Rules of Order...

Chairperson Lanier: ...of parliamentary procedure...

Councilperson Lawson: ...please fol'...

Chairperson Lanier: Parliamentary procedure and Robert Rules of Order. Do we want to move on?

Councilperson Lawson: I'm waiting on Mr. Evans to respond to the...

Chairperson Lanier: Thank you very much.

Councilperson Lawson: ...statement that was made, Madam Chair.

Chairperson Lanier: Go ahead, sir.

City Manager Evans: Madam Chair, to, to the Councilperson's question, is that we would come back with the information that's been requested of this Board. Once this Board gets the information and we provide that information at the meeting, it's anticipated that the Board would provide us direction to begin the negotiation process. We will finetune and tweak what we think is a, a suitable arrangement, and then bring that forward for the Board's consideration.

So, there is a lot of Staff work on the end of the agreement part before we get to that point. That's why there's that six month period for the other agreement to come in place. Plus, the vendor, if it is the existing vendor as it relates to their transition, then obviously, they continue to do services the way... If it's a new vendor, they have to spool up their operations to be able to provide service. But, there's still a lot of additional work that has to happen.

Once we bring that contract forward, it's contemplated that the Board would consider the..., that contract. And if there is any tweaks or modifications as it relates to language and all that, those things can be cured. The, the number that we look to bring back to you all would be the best and final number. The sharpest pencil we have to be able to get the number where we think is, is suitable. And then, in the event that the Board is not comfortable with that, then you have the ability to move on to the second contractor, if there are components that cannot be negotiated.

But again, at that meeting, the Board still has the autonomy and flexibility to say, I'd like to see this and [stammer] is there some concession that can conceivably be made by the vendor? But we're going to bring that back.

And so, there's multiple bites of the apple through the process, where this Board will have to make a decision before the relationship is resolved by virtue of a contract.

Councilperson Lawson: Thank you.

Thank you, Madam Chair.

Chairperson Lanier: Yes. Thank you, sir.

Are there any other questions for Ms. McBride or the Staff in regards to this issue? So, as moving forward, we will have the special meeting on Thursday in regards to all of these issues and questions, and have the opportunity for this.., these issues to be cleared up.

Thank you, Ms. McBride for your presentation.

Deputy City Manager McBride: Thank you.

City Clerk Anthony: Madam Chair, Members of the Board, as it relates to the special City Council meeting that's being requested, I will need something in writing from a Councilperson to call that meeting, to prepare the notice. And have two signatures, or to have Mayor to call it. And that way, it would only require his signature and my signature.

Chairperson Lanier: Very good.

Char Pro Tem Miller-Anderson: The Mayor is on. Can we do it?

Chairperson Lanier: Mayor, are you still on?

City Manager Evans: Madam Chair, the, the Mayor is not feeling well, and so he's not on at the.., at this present moment. But I...

Chairperson Lanier: Okay.

City Manager Evans: ...I'll make contact with him first thing in the morning.

Chairperson Lanier: Alright. Very good.

Thank you, both parties, for your presentations. We will pick this up on Thursday.

Ms. E. Smith: Thank you.

Chairperson Lanier: Thank you.

Chairperson Lanier: Next Item, Madam Clerk.

DISCUSSION AND DELIBERATION

City Clerk Anthony: Madam Chair... Madam Chair, Members of the Board, I believe there was a discussion earlier as to whether or not to move Item No. 18 to the next meeting. Are the presenters still on the line [inaudible].

Chair Pro Tem Miller-Anderson: I make a motion that we postpone Item No. 18 to our next Regular City Council meeting.

Councilperson Botel: Second.

Councilperson McCoy: Can...

Chairperson Lanier: Yes. Go ahead.

Councilperson McCoy: Can we add in the Resolutions.., well, postpone indefinitely the other Resolution that...

Chair Pro Tem Miller-Anderson: Well, let's do that... I'm gonna come.., we'll get to that afterwards.

Councilperson McCoy: No...

Councilperson Botel: Yeah.

Chair Pro Tem Miller-Anderson: I'm just doing 18. I'm just doing No. 18. 19 is next so whoever wants to make a motion for whatever for 19, they can. This.., I'm just doing 18.

Councilperson McCoy: Oh.

Chairperson Lanier: We added that as 19?

Chair Pro Tem Miller-Anderson: Huh?

Chairperson Lanier: We added that as 19?

Chair Pro Tem Miller-Anderson: No, no. 18 is the pre-disparity update with consultants.

Chairperson Lanier: Right.

Chair Pro Tem Miller-Anderson: That's the one I'm postponing.., making a motion to postpone to the next City Council meeting.

City Clerk Anthony: Madam Chair, No. 19 was.., concerning the motion to reconsider...

Chairperson Lanier: Oh, right, right.

City Clerk Anthony: ...[inaudible] Resolution.

Chairperson Lanier: Alright. Very good. Alright. So, we will.., there's a motion on the floor to postpone No. 18 to the next meeting. There was a, a.., a second. So, Madam Clerk.

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: Yes.

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: Yes.

City Clerk Anthony: Councilperson Botel?

Councilperson Botel: 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.

Councilperson McCoy: Move No. 19... I move that we postpone No. 19, the Resolution regarding the MOU of the City of Riviera Beach and the Boys & Girls Club of Palm Beach County until Staff can bring back a comprehensive presentation.

Councilperson Botel: Second.

Chairperson Lanier: Madam Clerk?

Councilperson Lawson: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Councilperson Lawson: Discussion Item. Can.., I have a few questions about that. Moving, moving the Item... I understand that we are bringing it back to the table to, to.., and that was my question earlier. What exactly are we doing? We wanna continue to vet this Item that was voted on? And, are we able to bring it up at another meeting? This is more for Legal.., are we able to bring this up at another meeting later, after today?

So, those are kinda my questions. 'Cause I know we have to bring it up at the meeting immediately following the one that it was voted up.

[Audience discussion]

City Attorney Wynn: Correct.

City Manager Evans: Madam Chair, if I may?

Chairperson Lanier: Yes. Go ahead.

City Manager Evans: It...

Chairperson Lanier: Please... Hold on a second, Mr. Evans. We have a meeting still [stammer] going on, sirs.

Thank you. Go ahead.

City Manager Evans: Madam Chair, if, if the vote to reconsider this particular Item is passed, then this Item would come back to the meeting date in which it is stated, and it basically would hold this particular arrangement in an abeyance until the Board has the opportunity to have a subsequent discussion on the topic.

Councilperson McCoy: Madam Chair?

[Inaudible discussion]

Chair Pro Tem Miller-Anderson: [Inaudible].

Chairperson Lanier: Yes. Go...

Councilperson McCoy: Are we...

Chairperson Lanier: ...ahead, sir. [Chuckle].

Councilperson McCoy: Mr. Evans, it has been voted to be reconsidered. So, it's currently on this Agenda already.

City Manager Evans: Right. But, to bring the It'..., the presentation back. Correction.

Councilperson McCoy: Okay. So that's why I offered postponement, so that way...

[Inaudible dais comment]

Councilperson McCoy: Okay.

Chairperson Lanier: Alright. Very good.

Councilperson McCoy: [Stammer]... If..., so, I guess is that a question for me?

Councilperson Lawson: No. I'm, I'm just trying to get clarity on what, what is it we're doing with...

Councilperson McCoy: Well...

Councilperson Lawson: ...the Item? Because, I know that Staff and Boys & Girls Club [stammer], I think we have a representative here, is moving forward with the Item that was voted up. What is it that we're going to do? What are we looking to do? What direction are giving Staff? What timeframe are we gonna bring it back?

I know there were some concerns addressed on the MOU, but what are we doing in reference to the Item so that they continue to move forward with the progress of whatever the discussion of the MOU is. So, that, that's kind of my concern. I just wanna know what we're doing so we're not just holding Boys & Girls Club and Staff in limbo, until we decide to just bring this back up. To talk about what I, I don't know what the discussion is, 'cause we, we don't have time tonight.

City Manager Evans: Madam Chair, if I may?

Chairperson Lanier: Yes. Go ahead.

City Manager Evans: Alright. In regards to some of the conversations that I've had with Board Members in, in a private setting, there's some additional information, and some items that the Board would like clarity on.

So Staff would be coming forward with a comprehensive presentation that would be at your next regular meeting of the City Council. And so, we would work with representatives from the Boys & Girls Club to get additional information, as well as Staff that's collecting some information for consideration..., reconsideration.

The Item, or the arrangement, would not be..., we wouldn't move forward with any components of that until the Board, you know, resolve whatever the issues or concerns they may have. So, we're looking to put this back on the Agenda at your meeting..., your first meeting in August.

Chairperson Lanier: Very good. Does that answer your question, sir?

Councilperson Lawson: Are we gonna allow... So, Staff is just gonna put everything on hold until that first meeting in August?

City Manager Evans: There's a..., if the motion reconsider the Item is passed, then we would have to place the..., any actions associated with the Resolution on hold.

City Attorney Wynn: The motion to reconsider did pass, correct?

City Manager Evans: I mean... Sorry. Yes.

City Attorney Wynn: Yes.

Councilperson Lawson: Gotcha. So the motion... Okay.

Thank you, Madam Chair.

Chairperson Lanier: Alright. Very good.

City Clerk Anthony: Councilperson McCoy?

Councilperson McCoy: Yes.

City Clerk Anthony: Councilperson Botel?

Councilperson Botel: Yes.

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: No.

City Clerk Anthony: Pro Tem Miller-Anderson?

Chair Pro Tem Miller-Anderson: No.

City Clerk Anthony: Chair Lanier?

Chairperson Lanier: Yes.

City Clerk Anthony: That motion is approved with Councilpersons Lawson and Miller-Anderson dissenting.

Chairperson Lanier: Thank you.

DISCUSSION BY CITY ATTORNEY

Chairperson Lanier: Discussion by the City Attorney?

City Attorney Wynn: No comments, Madam Chair.

CITY COUNCIL COMMITTEE REPORTS

Chairperson Lanier: Any City Council committee reports?

Councilperson Botel: I hesitate at this hour to do them, but I, I attended a Palm Beach County League of Cities Board meeting today and there was a robust discussion about the fact that a committee of thirty-nine Building Officials was considering an Ordinance that would require any building, with the exception of one or two family dwellings, greater than thirty-five hundred square feet, east of I-95 to have an inspection every twenty-five years, and west of I-95, every thirty-five years.

And this is very preliminary information about that committee, but I think it's important for us to know, because we may need to amend some of our Building Codes.

I provided also, Council information on a legal case that we discussed today. We only discussed the [inaudible] at the top of the page, not at the bottom.

Last Friday I attended a Florida League of Cities Land Use and Economic Development Committee. I'm not gonna report on it. But I also attended.., I, I was invited to become a member of Securing our Future, which is an initiative in partnership with Birth 22, United for a Brighter Futures, and the Citizens Advisory Committee on Health and Human Services. And maybe I'll tell you about that at the next meeting.

But, that's all I have for that now. I Council comments though.

Chairperson Lanier: Alright. Very good.

STATEMENTS BY THE MAYOR AND CITY COUNCIL

Chairperson Lanier: We will start with, yeah, Council comments. The Mayor is gone, so...

City Manager Evans: Ma'.., Madam Chair? If I may, make a comment for the Mayor?

Chairperson Lanier: Oh yeah, sure. Go ahead

City Manager Evans: The Mayor provided me a.., an Item that he'd like the Board's consideration. He said he would like to request the City Manager's officer to contact National Assoc'.., Association for Civilian Oversight of Law Enforcement, to look to come to our City to conduct a, a workshop on the benefits of police oversight, and the different oversight models that are available.

And so, the Mayor would like, if the Board would indulge that particular opportunity to consider that entity coming in and, and sharing a presentation about citizen oversight boards. And the like. So, I'm saying that in behalf of the Mayor.

Chairperson Lanier: Alright. Very good. Now give us your comments.

City Manager Evans: Madam Chair, that, that is my comment for this evening.

[Chuckles]

Chairperson Lanier: Okay. Anything from the City Attorney?

City Attorney Wynn: No, Madam Chair. Thank you.

Chairperson Lanier: We'll start with.., Mr. Lawson, go ahead.

Councilperson Lawson: Thank you, Madam Chair.

I just wanted to thank Jacoby Brissett and Elam Foundation for their bike giveaway that that they hosted here with the City on Friday. It was an amazing event, hundreds of kids came out, received free bikes and did free bike ride. That was perfect. That's what I wanna continue to showcase and have a lot of the young men and women that have the City, come back and give to the City. So, thank you guys.

Saturday's event with the Stomp out Crime softball tournament, and the all-star.., all-star basketball, football and cheerleading camp went off without a hitch. Staff did an amazing job facilitating these events and it literally was beautiful for our community. We, we're showcased in the news and in the Palm Beach Post. So, I wanna thank Staff, first and foremost, 'cause they did a phenomenal job with bringing this to the City. And I wanna continue to showcase this.

And, I believe those are my comments, Madam Chair. Thank you.

Chairperson Lanier: Yes. Very good. Thank you, sir. Dr. Botel.

Councilperson Botel: Yeah. I., this one is very important. I, I wouldn't take the time, but it's very important to Singer Island residents. You may know that some light poles, some quite some time ago, on North Ocean Drive, had been cut down. And, they are still th'.., well, at least one of them is still there, lying on the ground. The dead pole is on the ground, and the cut off stubs remain in the ground.

And, I'm just wondering. I have a question for counsel. Is there any legal remedy, and what does Council need to do to authorize and to purpose that remedy?

Ms. Wynn?

City Attorney Wynn: Yes. Madam Chair?

Chairperson Lanier: Yes. Go ahead.

City Attorney Wynn: Dr. Botel, if the Council were to give direction to Legal to institute.., or, initiate an action, we would definitely need a Council vote for that. And then we would pursue an action that would determine whether or not we had the right to either remove them or if we have to leave them there. There, there are various options, but we would definitely need permission from the Council to initiate an action.

I don't wanna discuss the strategy at this meeting.

Councilperson Botel: Thank you. Then I'd like to make a motion that we ask you to initiate something on our behalf.

Can I get a second?

Chair Pro Tem Miller-Anderson: Well, what... I'll second it for question.

Councilperson Botel: What?

Chair Pro Tem Miller-Anderson: What... So, exactly what, what are we doing again?

City Attorney Wynn: We would.., if, if the Council approves it, we would be initiating probably a dec'.., a declaratory action for the court to decide what is to happen with the light poles. Whether we have.., whether we should remove them, whether we should... Whether we don't have the ability to remove them. But it would have to be.., because right now, there's no Resolution to it.

[Pause]

Councilperson Botel: Ma'.., Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Councilperson Botel: If I could just say, they are a significant safety hazard. People walk by, the, the stubs that are sticking up out of the ground. I'm concerned that people might ride bikes into them, might, might trip over them. The people that's on the ground, presents a safety hazard as well because people could trip over that.

I don't want the City, in any way, to be liable if we don't take some action to remove them. So, I feel.., many, many people who pass by that area every day have, have complained and have great concerns about the fact that they're still there. And I think.., I would really appreciate it if my colleagues would vote to allow the Legal Department to begin to consider some alternatives. .

Chair Pro Tem Miller-Anderson: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Chair Pro Tem Miller-Anderson: So I guess I'm not really fully versed as to the whole issue. Whose... Is it the FP&L's light pole or is it our.., a City light pole?

City Attorney Wynn: Yeah. My, my under'.., Mr. Evans wanted to address that.

City Manager Evans: Yeah. Madam Chair? They're our light poles that was part of an arrangement that we had with FDOT when they redid and made some improvements to North Ocean. The light poles have been.., two light poles have been damaged. One light pole has been removed, and there's one that is still there, that's off on the sidewalk. As well as the two poles that are still.., the, the top's obviously cut off.

And so, we have tried to reasonably talk with the property owner to collect the poles. I can't give Staff an unlawful order, 'cause that would be entering a person's property, to effectively collect those. So, the only action that we have is to engage Legal to help facilitate, one, the collection of the pole. That's one issue. But, two, to see if there is some type of amicable resolution. Or if the court can assist in facilitating the other poles, and if we need to relocated those poles, and if we can provide.., get reasonable time to relocate those poles, or we enter into some type of an agreement whereby the poles stay.

We've tried to, to enter into that conversation, but to no avail. It, it hasn't beared any fruit. So...

Chair Pro Tem Miller-Anderson: Okay.

City Manager Evans: ...this is an option that we would like for the Board to consider so we can try to resolve this issue.

Chair Pro Tem Miller-Anderson: Okay. Thank you.

Chairperson Lanier: Alright. Very good. Any other questions about this Item? [Pause]. Madam Clerk?

City Clerk Anthony: Councilperson Botel?

Councilperson Botel: Yes.

City Clerk Anthony: Councilperson Lawson?

Councilperson Lawson: Yes.

City Clerk Anthony: Pro Tem Miller-Anderson?

Chair Pro Tem Miller-Anderson: Yes. Mhmm.

City Clerk Anthony: Char, Chair Lanier?

Chairperson Lanier: Yes.

Councilperson Botel: Thank you.

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

Councilperson Botel: Thank you very much.

I just have a couple of others. We've begun an oral history project with Mr. Calloway. We've started videotaping him a few days ago, and recording his many memories of Riviera Beach history. If there are others in the community whose oral history should be captured, please let me know.

This project is exclusive to Riviera Beach and it allows for a diverse group of long time Riviera Beach residents to tell their stories. We wanna capture the personal memories that are so often lost unless they're recorded before the passage of time inevitably steals them from us.

If you are in a high rise building, please, please, please have your building manager hire an engineer to attest to the structural soundness of the building.

Mr... Skip that one. We, Sam, Sam Brown and I, had a meeting today with Mr. Corey Brooks, the Principal at Dwyer High School about collaborating with them on a number of projects, including internships, afterschool tutoring at our Library, Workforce Development, and we hope to work with Assis'.., Deputy City Manager McBride on some of those items.

We're also planning a, a meeting for August 17th, of a Logistics and Transportation Subcommittee about our Workforce Development Task Force. We'll be discussing, among other things, the establishment of the CDL program for Riviera Beach.

And lastly, we're planning a health fair for the entire community, to be held at Azure Estates, formerly known as Stonybrook, on September 25th from 11:00 a.m. to 3:00 p.m. We have the Diabetes Coalition, the County vaccination bus, Palm Beach Garden Medical Society, and a number of other vendors who will there.

I will be meeting again about that meeting on August 17th, and I'll bring you an update after that time.

Thank you very much, Madam Chair.

Chairperson Lanier: Thank you. Councilwoman Miller-Anderson?

Chair Pro Tem Miller-Anderson: I will reserve my comments to the next meeting. I do have an initiative that will be starting in the month of August, but I will go a little more in detail at our next meeting.

Thank you.

Chairperson Lanier: I just have one comment. Of course you heard the news that Amazon is coming to the City of Riviera Beach. We are very, very, very excited about it. I want to thank the.., thank the City Manager, Mr. Jonathan Evans, and his Staff, who have worked tirelessly to be able to make that happen. And the latest count is that it will be over two hundred jobs that are coming to the City for our residents. And, we want to be able to just really thank Mr. Evans and his Staff for, for getting this done. And, and able to provide a source of income and job employment for our residents in the City.

ADJOURNMENT

Chairperson Lanier: And that is our meeting.

Thank you.

[Gavel]

[End Of video]

City Employees, Public Comment Speakers and Others

Bonnie Larson Ms. B. Larson

Kappa Upsilon President Juan Cunningham Mr. J. Cunningham

Alpha Phi Alpha Alpha Phi Alpha

Phi Beta Sigma Anthony Porter Mr. A. Porter

Phi Beta Sigma Mr. Jones Mr. Jones

Claudius Nalls Mr. C. Nalls

Development Services Director Clarence Simons Development Services Director
Simons

Senior Assistant City Attorney Lina Busby Senior Assistant City Attorney Busby

Lloyd Brown Mr. L. Brown

John Miller Mr. J. Miller

Cindy March Ms. C. March

Artie Williams Mr. A. Williams

J.B. Dixon Ms. J.B. Dixon

Delores Williams Ms. D. Williams

Bessie Brown Ms. B. Brown

William Wyly	Mr. W. Wyly
Doretta Paulk	Ms. D. Paulk
Media Team	Media Team
Goode Company, LLC Willie B. Goode	Mr. W. Goode
Goode Company, LLC Willie K. Goode	Mr. W.K. Goode
Taylor & Gamble Fred Gamble	Mr. F. Gamble
Complete Contract Consulting CEO Sharna Barnes	Ms. S. Barnes
Waste Management , Inc. of Florida Ellen Smith	Ms. E. Smith
Waste Management, Inc. of Florida Fred Harmon	Mr. F. Harmon
Boys & Girls Club President Jaene Miranda	Ms. J. Miranda
Boys & Girls Club Stephen Cornet	Mr. S. Cornet
Risk & Management Services Annette Gray	Ms. A. Gray
Sylvester McKinon	Mr. S. McKinon
MDB Services Marius Boyd	Mr. M. Boyd
William Wells	Mr. W. Wells
Ms. Christina Dixon-Wells	Ms. C. Dixon-Wells
Shelby Lowe	Mr. S. Lowe
Reshard Coley	Mr. R. Coley
Caprunia Boston	Ms. C. Boston
Finance and Administrative Services Director Randy Sherman	
Finance and Administrative Services Director Sherman	

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: **AUGUST 18, 2021**

CITY OF RIVIERA BEACH CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: 8/18/2021

Agenda Category: CONSENT RESOLUTION

Subject: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT OF THE WORKERS' COMPENSATION CLAIMS OF LOUIS KANITSCH V. CITY OF RIVIERA BEACH, OJCC CLAIM NOS.: 20-029618CJS AND 20-029620CJS; AUTHORIZING GALLAGHER BASSETT SERVICES, INC. TO MAKE PAYMENT IN THE AMOUNT OF THIRTY THOUSAND DOLLARS (\$30,000) AS FULL AND COMPLETE SETTLEMENT OF BOTH CLAIMS; AND PROVIDING FOR AN EFFECTIVE DATE.

Recommendation/Motion: Office of the City Attorney recommends approval of this Resolution.

Originating Dept	City Attorney	Costs	\$30,000
-------------------------	---------------	--------------	----------

User Dept.		Funding Source	
-------------------	--	-----------------------	--

Advertised	No	Budget Account Number	
-------------------	----	------------------------------	--

Date

Paper

Affected Parties	Not Required
-------------------------	--------------

Background/Summary:

Louis Kanitsch ("Claimant") filed a petition for benefits on workers' compensation claim (20-029618CJS) against the City, as Employer, and Gallagher Bassett Services, Inc. ("GB"), as Carrier on December 31, 2020 , for injuries sustained during heavy lifting calls occurring on July 9, 2020. On the same day he filed an additional petition for benefits on workers' compensation claim (20-029620CJS) against the City, as Employer, and Gallagher Bassett Services, Inc. ("GB"), as Carrier for injuries sustained on October 13, 2020 after lifting a hurst power generator unit back onto the rear compartment platform of an engine. Both accidents occurred during the course and scope of his employment with the City of Riviera Beach Fire Rescue Department.

The parties have agreed to settle both claims for a total sum of Thirty Thousand Dollars (\$30,000), subject to City Council approval. Upon the City Council's approval of this settlement and the City's payment thereof, the workers' compensation claims from the Claimant against the City and GB shall be dismissed with prejudice.

Fiscal Years

Capital Expenditures

Operating Costs
External Revenues
Program Income (city)
In-kind Match (city)
Net Fiscal Impact
NO. Additional FTE Positions
(cumulative)

III. Review Comments

A. Finance Department Comments:

B. Purchasing/Intergovernmental Relations/Grants Comments:

C. Department Director Review:

Contract Start Date

Contract End Date

Renewal Start Date

Renewal End Date

Number of 12 month terms this renewal

Dollar Amount

Contractor Company Name

Contractor Contact

Contractor Address

Contractor Phone Number

Contractor Email

Type of Contract

Describe

ATTACHMENTS:

File Name	Description	Upload Date	Type
CA-Cover_Memo_Kanitsch.docx	CA-Cover Memo Kanitsch	8/10/2021	Cover Memo
Final_L_Kanitsch_Resolution.doc	CA Resolution - Louis Kanitsch	7/28/2021	Resolution
Kanitsch_Settlement_and_Release.docx	Proposed Release - Louis Kanitsch	7/28/2021	Agreement
Proposed_Joint_Stipulation.docx	Proposed Joint Stipulation to pay past attorney's fees and costs	8/10/2021	Agreement
Proposed_Settlement_Agreement.docx	Proposed Settlement Agreement	8/10/2021	Agreement

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Mutamba, Denise	Approved	7/28/2021 - 3:28 PM
Purchasing	Williams, Glendora	Approved	8/2/2021 - 2:39 PM
Finance	sherman, randy	Approved	8/9/2021 - 2:06 PM
Attorney	Mutamba, Denise	Approved	8/10/2021 - 3:59 PM
City Clerk	Robinson, Claudene	Approved	8/10/2021 - 4:47 PM
City Manager	Jacobs, Deirdre	Approved	8/11/2021 - 7:49 PM



"The Best Waterfront City in Which to Live, Work and Play."

CITY OF RIVIERA BEACH – MEMORANDUM

TO: HON. MAYOR, CHAIRPERSON AND CITY COUNCIL

THROUGH: JONATHAN EVANS, CITY MANAGER, MPA, MBA, ICMA-CM

FROM: DAWN S. WYNN, CITY ATTORNEY

SUBJECT: **RESOLUTION TO FULLY SETTLE THE WORKERS' COMPENSATION CLAIMS OF LOUIS KANITSCH**

DATE: AUGUST 18, 2021

CC: GENERAL PUBLIC

Background:

Louis Kanitsch ("Claimant") filed a petition for benefits on workers' compensation claim (20-029618CJS) against the City, as Employer, and Gallagher Bassett Services, Inc. ("GB"), as Carrier on December 31, 2020, for injuries sustained during heavy lifting calls occurring on July 9, 2020. On the same day he filed an additional petition for benefits on workers' compensation claim (20-029620CJS) against the City, as Employer, and Gallagher Bassett Services, Inc. ("GB"), as Carrier for injuries sustained on October 13, 2020 from lifting a hurst power generator unit back onto the rear compartment platform of an engine. Both accidents occurred during the course and scope of his employment with the City of Riviera Beach Fire Rescue Department.

The parties have agreed to settle both claims for a total sum of Thirty Thousand Dollars (\$30,000), subject to City Council approval. Upon the City Council's approval of this settlement and the City's payment thereof, both workers' compensation claims from the Claimant against the City and GB shall be dismissed with prejudice.



Citywide Goal:

To provide quality, timely, cost-efficient, professional legal services and advice to support the goals and objectives of the City Council, the City Manager, and the City departments, and to advocate and defend the interests of the City within the bounds of the law.

Budget/Fiscal Impact:

The City's annual premium payment from the insurance fund covers the settlement of this workers' compensation claim. The City's premium payment related to workers' Compensation claims is \$480,000 and can be found in the appendix on page 333 of the 2021 budget.

Recommendation(s):

The Office of the City Attorney recommends it is in the best interests of the City to settle this claim.

Attachment(s):

1. Resolution Number 90-21.
2. Proposed Release and Indemnity Agreement between Louis Kanitsch, the City, and Gallagher Bassett Services, Inc.
3. Proposed Joint Stipulation for Employer/Carrier to pay past attorney's fees and costs in the amount of \$15,000.
4. Proposed settlement agreement in the amount of \$15,000.



RESOLUTION NO. 90-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT OF THE WORKERS' COMPENSATION CLAIMS OF LOUIS KANITSCH V. CITY OF RIVIERA BEACH, OJCC CLAIM NOS.: 20-029618CJS AND 20-029620CJS; AUTHORIZING GALLAGHER BASSETT SERVICES, INC. TO MAKE PAYMENT IN THE AMOUNT OF THIRTY THOUSAND DOLLARS (\$30,000) AS FULL AND COMPLETE SETTLEMENT OF BOTH CLAIMS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Louis Kanitsch ("Claimant") filed a petition for benefits on workers' compensation claim 20-029618CJS on December 31, 2020, for injuries sustained during heavy lifting calls occurring on July 9, 2020 during the course and scope of his employment with the City of Riviera Beach Fire Rescue Department ("the City") against the City, as Employer, and Gallagher Bassett Services, Inc. ("GB"), as Carrier, and;

WHEREAS, Louis Kanitsch ("Claimant") filed a petition for benefits on workers' compensation claim 20-029620CJS on December 31, 2020, for injuries sustained while lifting a hurst power generator unit back onto the rear compartment platform of an engine occurring on October 13, 2020 during the course and scope of his employment with the City of Riviera Beach Fire Rescue Department ("the City") against the City, as Employer, and Gallagher Bassett Services, Inc. ("GB"), as Carrier, and;

WHEREAS, the parties have agreed to settle both claims for a total sum of Thirty Thousand Dollars (\$30,000), subject to City Council approval; and

WHEREAS, upon the City Council's approval of this settlement and the City's payment thereof, both workers' compensation claims from the Claimant against the City and GB shall be dismissed with prejudice; and

WHEREAS, upon the City Council's approval of this settlement, Claimant shall discharge and release the City from any and all claims or causes of action, including attorney fees and costs, whether known or unknown, arising out of, or in any way relating to any injuries resulting from any work-related accident including the July 9, 2020 and October 13, 2020 accidents; and

WHEREAS, it is in the best interests of the City to fully settle both claims.

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

RESOLUTION NO.: 90-21
PAGE 2 OF 3

SECTION 1. That settlement of the matter of *Louis Kanitsch v. City of Riviera Beach and Gallagher Bassett Services, Inc. OJCC Claim Nos. 20-029618CJS and 20-029620CJS* is hereby approved in the total amount of Thirty Thousand Dollars (\$30,000).

SECTION 2. That GB is authorized to make payment on behalf of the City, after receiving the appropriate approval and releases from the Claimant.

SECTION 3. That this Resolution shall take effect immediately upon its passage and approval by the City Council.

PASSED and APPROVED this _____ day of August 2021.

The remainder of this page is intentionally left blank.

RESOLUTION NO.: 90-21
PAGE 3 OF 3

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: _____

REVIEWED AS TO LEGAL SUFFICIENCY

SECONDED BY: _____

DAWN S. WYNN, CITY ATTORNEY

T. MCCOY: _____

K. MILLER-ANDERSON: _____

S. LANIER: _____

J. BOTEL: _____

D. LAWSON: _____

RELEASE AND INDEMNITY AGREEMENT

IN CONNECTION WITH THE CLAIMS FILED BY LOUIS KANITSCH (HEREINAFTER REFERRED TO AS EMPLOYEE/CLAIMANT) IN THE CASES STYLED KANITSCH, LOUIS V. CITY OF RIVIERA BEACH #20-029618CJS and #20-029620CJS and in and for consideration in the amount of One Hundred and 00/100 Dollars (\$100.00) the receipt of which is hereby acknowledged by the Employee/Claimant and Lyle B. Masnikoff, Esquire, attorneys, tendered by and on behalf of City of Rivera Beach (hereinafter Employer), the parties to this Release and Indemnity Agreement (hereinafter Agreement) agree as follows:

The parties acknowledge that the Employee/Claimant's employment with the Employer ceased. The Employee/Claimant agrees that he will not seek re-employment with the Employer.

The Employee/Claimant does hereby knowingly and with full knowledge consent to release, remise, and forever acquit the Employer, and each of its collective past or present officers, agents, attorneys, servants, employees, parent companies or corporation, subsidiaries, affiliates, assignees, transferee, predecessors, successors, insurer or re-insurer whatsoever, of any and all claims, demands, actions or causes of action of any kind whatsoever, known or unknown, foreseen or unforeseen, foreseeable or unforeseeable and whether or not matured, and any consequences thereof, from the beginning of time until the date of this Agreement, that include without limitation: retaliation, tortious or wrongful discharge, intentional or negligent infliction of emotional distress, defamation, misrepresentation, negligence, fraud, assault, battery; as well as those claims arising under any federal or state, constitution, law or local ordinance

(including, but not limited to the Americans for Disabilities Act (ADA), the Rehabilitation Act, Age Discrimination Act(ADEA), Family and Medical Leave Act (FMLA), Title VII of the Civil Rights Act of 1964 and/or the Florida Civil Rights Act of 1992), section 440.205 Florida Statute claims, or contract including, but not limited to: any claims, demands, actions or causes of action whether statutory or at common law, arising out of or in any way related to any of the Employee/Claimant's term(s) of employment with the Employer, and/or medical treatment resulting from any such claims, demands or causes of action.

FURTHER, the terms "claims, demands, actions, and causes of action" as defined herein include those which have been made, or which might be made, against any party as of the date set forth below in any action whatsoever, civil or criminal, administrative or judicial. The above referenced settlement amount (\$100.00) is deemed to include all costs, expenses and disbursements to which the Employee/Claimant may be entitled under federal or state law or local ordinance, including any claim for attorney's fees and other expenses of litigation. Said payment further constitutes considerations for and in settlement of the Employee/Claimant's claims for any and all damages available under the Americans for Disabilities Act (ADA), ADEA, Family and Medical Leave Act (FMLA), Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, including but not limited to claims for emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, wages and other pecuniary and non-pecuniary losses and for any and all damages available under the Florida Civil Rights Act of 1992, Chapter 760, Florida Statutes, including but not limited to their claims for mental anguish, loss of dignity, wages and other tangible and intangible damages for their claims for attorney's

fees past, present and future as well as for their claims sounding in any and all common law tort for personal injury.

FURTHER, this Agreement covers any and all past, present and future claims for personal injuries, known or unknown, mental and physical injuries or suffering including but not limited to pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, medical expenses, embarrassment, humiliation, sexual harassment, back wages, loss of earning or earning capacity, including any claims for loss of service, companionship or consortium, property damage, any other damages, any municipal, county, state or federal statutory cause of action.

FURTHER, this Agreement includes, any claims for front and/or back pay, or for recovery of any losses or other damages to me or my property based on any alleged violation of the Fair Labor Standards Act; the Employee Retirement Income Security Act; the Consolidated Omnibus Budget Reconciliation Act; the Florida and U.S. Constitutions, any other federal, state or local statute, regulation, or common law doctrine regarding employment, or discrimination in employment; any disability payments or benefits; any other public programs providing medical expenses, disability payments, or other similar benefits; and any and all actions, claims, or demands whatsoever of any type or nature which may hereafter be brought or asserted against the Employer on account of any injury, loss, or damage that arose, or could arise, from the facts giving rise to the claim being settled hereby.

FURTHER, the Employee/Claimant further specifically agrees to release and discharge the Employer, its officers, agents, servants, employees, directors, successors,

assigns, and any other person or entity so connected to the Employer, of any and all claims relating to retaliatory discharge under section 440.205, Florida Statutes and all other federal, state and local law or ordinance.

FURTHER, the Employee/Claimant agrees to indemnify, to save, to defend and to hold harmless the Employer of any and all claims, subrogated interest or liens of any third parties, including but not limited to, hospital and physician liens, medical insurer or provider liens or subrogation rights, Medicare liens or subrogation rights, Medicaid liens or subrogation rights, attorneys' fee charging liens, any local, county, city, state or federal government liens, Internal Revenue Service liens, and any and all other subrogated interests or liens, regardless of their source. The Employee/Claimant declares and represents that the terms of this Agreement are contractual and not mere recitals, and include any and all hospital liens and doctor's liens (that were not authorized by the Employer); and/or subrogated interests which are to be paid by the Employee/Claimant out of the proceeds of his settlement.

FURTHER, the Employee/Claimant understands and agrees that the Agreement is the compromise of a disputed claim and that the payment made is not to be construed as an admission of liability on the part of the Employer and that the Employer denies liability therefor and intends merely to avoid litigation.

Each party to the Agreement shall bear their own respective attorneys' fees and costs as it relates to this Agreement.

FURTHER, The Employee/Claimant does hereby declare and represent that the injuries allegedly sustained are or may be permanent and progressive and that recovery therefore is uncertain and indefinite, and in making this agreement it is understood and

agreed that he relied wholly upon his judgment and his attorneys, belief and knowledge of the nature, extent, effect and duration of said alleged injuries and liability therefore, and this agreement is made without reliance upon any statement or representation of the Employer or its representatives or by any physician or surgeon by them employed.

FURTHER, this Agreement shall compromise any and all claims the Employee/Claimant might have against the Employer including but not limited to those relating to the Employee/Claimant's employment and/or medical treatment, but not limited to, any statutory and/or contractual and/or tort claims they may have. The Employee/Claimant further agrees not to file or make in the future any charges or claims against the Employer with any governmental agency or judicial body, either state, federal or local, for any matter taking place prior to the execution of this Agreement. The Employer specifically denies that it has violated any local, state or federal law relating to the Employee/Claimant's employment and/or medical treatment, and/or resignation and/or termination by the Employee/Claimant and the Agreement shall not be deemed an admission of any wrongdoing by said parties.

FURTHER, the parties agree that this Agreement does not affect the Employee/Claimant's vested benefits with the Employer.

FURTHER, the Employee/Claimant acknowledges and warrants that he has entered into the Agreement voluntarily and with full knowledge and of his own accord. This Agreement contains and constitutes the entire understanding and agreement of the parties respecting the subject matter hereof and there are no other promises, covenants, warranties, or representations of whatever name or nature, whether written or oral, that are not part of the Agreement.

FURTHER, the Employee/Claimant states that he has carefully read this Agreement, is aware of its contents, and freely and voluntarily agrees to all of its terms and conditions.

The Employee/Claimant further declares and represents that he fully understands the terms and conditions of the Agreement, has spent sufficient time to review and consider this Agreement before executing it, has been advised to discuss this matter with an attorney before executing the Agreement and has done so or has had a full opportunity to discuss this matter with an attorney before executing the Agreement and has declined to do so.

FURTHER, the Employee/Claimant warrants that he has been given 21 days within which to consider the Agreement and execute the Release. In addition, the Employee/Claimant has up to seven (7) days to rescind the Agreement after signing it. Only after that time, shall this Agreement be irrevocable and enforceable in any court of competent jurisdiction and the consideration shall not be paid until after that time.

FURTHER, this Agreement is conditioned upon the Judge of Compensation Claims approving the Motion for Approval of Attorney's Fee and Allocation of Child Support Arrearage for Settlement under Section 440.20(11)(c)(d) & (e).

FURTHER, this Release shall be governed by, construed, and enforced under the laws of Florida, both substantive and remedial. Failure of any provision of this Agreement shall in no manner affect the right to enforce same, and the waiver by any party of any breach shall not be construed as a waiver of any succeeding breach of such provision or of any other provision. This Agreement represents the entire understanding and agreement between the parties with respect to the subject matter and there are no

promises agreements, condition, warranties, or representations, oral or written, express or implied, between the parties other than as set forth herein and in a Settlement Agreement and Release herewith. This Agreement shall not be amended or modified except by a writing signed by all parties.

IN WITNESS WHEREOF the undersigned executes and seals this Release this _ day of _____, 2021.

Louis Kanitsch

Witness:

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing Release and Indemnity Agreement was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2021 by _____, who is personally known to me, or who has produced _____ as identification.

(Seal)

Signature of Notary Public

Print, Type or Stamp Name of Notary

2147308

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS
OFFICE OF THE JUDGE OF COMPENSATION CLAIMS
WEST PALM BEACH DISTRICT OFFICE
JCC: CAROL J. STEPHENSON

LOUIS KANITSCH,

OJCC Case No. 20-029618CJS

Claimant,

D/Accident 7/9/2020

v.

County of Venue Palm Beach

CITY OF RIVIERA BEACH and
GALLAGHER BASSETT SERVICES,

Employer/Carrier.

_____/

Lyle B. Masnikoff, Esquire, Attorney for Claimant, Lyle B. Masnikoff & Associates, P.A.,
1645 Palm Beach Lakes Boulevard, Suite 550, West Palm Beach, FL 33401

Esther Zapata Ruderman, Esquire, Attorney for Employer/Carrier, Conroy Simberg, 1801
Centrepark Drive East, Suite 200, West Palm Beach, FL 33401

JOINT STIPULATION FOR EMPLOYER/CARRIER PAID ATTORNEY'S FEES

The Employer/Carrier, CITY OF RIVIERA BEACH and GALLAGHER BASSETT SERVICES and the Employee/Claimant, LOUIS KANITSCH, by and through their undersigned counsel, hereby enter into this Joint Stipulation For Employer/Carrier Paid Attorney's Fees and state:

1. The parties stipulate that Lyle B. Masnikoff & Associates, P.A. represents the Employee/Claimant for a workers' compensation claim with a July 9, 2020 date of accident.

2. The parties acknowledge that on December 31, 2020, March 4, 2021, and April 23, 2021, the Claimant filed Petitions for Benefits seeking payment for medical benefits. The parties further acknowledge that the Employer/Carrier did not agree to pay for these bills when it filed a Response to those Petitions for Benefits.

3. The Employer/Carrier have since agreed to pay certain medical bills to include: Riviera Beach Fire Department (\$772.00 for DOS 7/10/2020); Gardens Radiology Associates (\$242.02 and 242.10 DOS 7/10/20); Good Samaritan Medical Center (\$3,899.00 and \$250.00 DOS 11/19/20 – 11/20/20); Envision Physician Services (\$750.00 DOS 11/19/20). The Employer/Carrier agreed to pay these bills per Florida Fee Schedule upon receipt on proper form.

4. The Employer/Carrier agree to pay, and Lyle B. Masnikoff & Associates, P.A agrees to accept the total sum of \$15,000.00 as a full and final settlement of past attorney's fees and costs relating to all past benefits secured.

4. Also, in addition to this Joint Stipulation, the parties have agreed to settle the entire workers' compensation claim. As a result, the parties have entered into a separate Settlement Agreement & Release.

5. The Employee/Claimant and Lyle B. Masnikoff & Associates, P.A. stipulate that upon this Court's Order approval of this Joint Stipulation and the Motion for Attorney's Fees and Allocation of Child Support Arrearage for Settlement under Section 440.20(11)(c)(d)&(e), and the Employer/Carrier's payment of attorney's fees and costs stated above, all claims for attorney's and costs against the Employer/Carrier are dismissed with prejudice.

6. The parties specifically agree that this Joint Stipulation is conditioned upon this Court's approval of the Motion for Attorney's Fees and Allocation of Child Support Arrearage for Settlement under Section 440.20(11)(c)(d)&(e). If the Judge does not approve the Motion, then this Joint Stipulation is revoked and shall have no force or effect.

7. The Employer/Carrier shall have thirty (30) days from the date the Order approving this Joint Stipulation is mailed within which to issue their settlement check.

Respectfully submitted this _____ day of _____, 2021.

Lyle B. Masnikoff, Esquire
Lyle B. Masnikoff & Associates, P.A.1
1645 Palm Beach Lakes Boulevard
Suite 550
West Palm Beach, FL 33401
Counsel for Employee/Claimant

Esther Zapata Ruderman, Esquire
Conroy Simberg
1801 Centrepark Drive East
Suite 200
West Palm Beach, FL 33401
Counsel for Employer/Carrier

Louis Kanitsch

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS
OFFICE OF THE JUDGE OF COMPENSATION CLAIMS
WEST PALM BEACH DISTRICT OFFICE
JCC: CAROL J. STEPHENSON

LOUIS KANITSCH,

OJCC Case No. 20-029618CJS

Claimant,

D/Accident 7/9/2020

v.

County of Venue Palm Beach

CITY OF RIVIERA BEACH and
GALLAGHER BASSETT SERVICES,

Employer/Carrier.

_____ /

Lyle B. Masnikoff, Esquire, Attorney for Claimant, Lyle B. Masnikoff & Associates, P.A.,
1645 Palm Beach Lakes Boulevard, Suite 550, West Palm Beach, FL 33401

Esther Zapata Ruderman, Esquire, Attorney for Employer/Carrier, Conroy Simberg, 1801
Centrepark Drive East, Suite 200, West Palm Beach, FL 33401

**ORDER APPROVING JOINT STIPULATION FOR
EMPLOYER/CARRIER PAID ATTORNEY'S FEES**

Upon consideration of said Joint Stipulation For Employer/Carrier Paid Attorney's Fees, the undersigned JUDGE OF COMPENSATION CLAIMS finds the facts in the case to be as stipulated.

WHEREFORE, the undersigned JUDGE OF COMPENSATION CLAIMS approves said Joint Stipulation and the parties are ordered to comply with the provisions thereof.

IT IS ORDERED AND ADJUDGED:

1. The Employer/Carrier shall, within 30 days from the date of this Order, pay Lyle B. Masnikoff & Associates, P.A. \$15,000.00 attorneys fees and costs for past benefits obtained.

2. Upon the Employer/Carrier's payment of the amounts stated above, all claims for attorney's fees and costs for the Employee/Claimant and Lyle B. Masnikoff & Associates, P.A. against the Employer/Carrier are hereby dismissed with prejudice.

DONE AND ORDERED at Palm Beach County, Florida, this _____ day of _____, 2021.

Carol J. Stephenson
Judge of Compensation Claims

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing was electronically mailed to the following interested parties on the _____ day of _____, 2021.

ATTORNEY FOR CLAIMANT:

Lyle B. Masnikoff, Esquire
Lyle B. Masnikoff & Associates, P.A.
1645 Palm Beach Lakes Boulevard
Suite 550
West Palm Beach, FL 33401

ATTORNEY FOR
EMPLOYER/CARRIER:

Esther Zapata Ruderman, Esquire
Conroy Simberg
1801 Centrepark Drive East
Suite 200
West Palm Beach, FL 33401
eruderman@conroysimberg.com

Secretary to Judge of Compensation Claims

SETTLEMENT AGREEMENT AND RELEASE

Employee/Claimant: LOUIS KANITSCH
Employer: CITY OF RIVERA BEACH
Carrier/Servicing Agent: GALLAGHER BASSETT SERVICES
OJCC Number: 20-029618CJS and 20-029620CJS
Social Security Number: 594-09-7720
Date(s) of Accident: July 9, 2020 and October 13, 2020

THIS AGREEMENT, subject to the terms and conditions as set forth below, is intended to be a complete, entire and final release and waiver of any and all rights, to any and all benefits, past, present and future, that the Employee/Claimant, LOUIS KANITSCH, is, or may be, entitled to under Chapter 440, Florida Statutes, (as more fully set forth below), and any other actions, claims, demands or causes of actions, whatsoever, that the Employee/Claimant may have against the Employer, CITY OF RIVERA BEACH, and the Carrier/Servicing Agent, GALLAGHER BASSETT SERVICES, together with their officers, agents, servants, employees, directors, successors, assigns, insurers, attorneys, and any other person or entity so connected to them (hereinafter collectively referred to as "Employer/Carrier/Servicing Agent").

The parties stipulate that this Agreement does not affect the Employee/Claimant's vested benefits with the City of Riviera Beach.

I. TERMS OF WORKERS' COMPENSATION SETTLEMENT AGREEMENT AND RELEASE PURSUANT TO 440.20(11)(c)(d) & (e) (2003):

A. TOTAL SETTLEMENT AMOUNT:

The Employer/Carrier/Servicing Agent will pay to the Employee/Claimant, in a lump sum, the amount of **\$15,000.00**, payment of which will be made within thirty (30) days from the date of Certificate of Service on the Order approving the Motion for Approval of Attorney's Fee and Allocation of Child Support Arrearage for Settlement under Section 440.20(11)(c)(d) & (e). It is understood and agreed by the parties that the terms of this agreement are not enforceable until the Judge of Compensation Claims approves the Motion for Approval of Attorney's Fees and Allocation of Child Support Arrearage for Settlement under Section 440.20(11)(c)(d) & (e).

B. ALL BENEFITS RESOLVED:

Payment of the aforementioned lump sum is in full satisfaction of the obligation or liability of the Employer/Carrier/Servicing Agent to pay any benefits of whatever kind or classification available under the Florida Workers' Compensation Law including, but not limited to, temporary total and temporary partial disability benefits, impairment benefits, permanent total disability benefits, permanent total supplemental benefits, supplemental benefits, wage loss benefits, rehabilitative temporary total disability benefits, vocational benefits required to be provided by the employer, death

benefits, attorney's fees, past, present and future medical benefits, attendant care, prescriptions, orthotics, prosthetics, transportation, or any other benefit contemplated under Florida Statute 440 relating to the alleged accident or occupational disease arising on account of or in connection with an accident, occurrence, incident, exposure or event which took place on or about July 9, 2020 and October 13, 2020 within the confines of Palm Beach County, Florida. The parties stipulate and agree that this settlement agreement includes not only the above mentioned injury/injuries but any and all injuries and occupational diseases ever incurred by the Employee/Claimant while working for the employer whether, known, revealed, reported, diagnosed, developed or manifested.

The Employee/Claimant acknowledges by his signature below, that upon payment of the consideration referenced in paragraph I.A. herein, he waives all entitlement to any and all further Workers' Compensation benefits and that the Employer/Carrier/Servicing Agent will be fully and forever discharged and released from the obligation or liability to pay any and all benefits of whatever kind or classification payable under the Florida Workers' Compensation Law.

The Employee/Claimant stipulates and the parties agree that this Settlement Agreement and Release shall constitute an election of remedies by the Employee/Claimant with respect to the Employer/Carrier/Servicing Agent herein. As a result of accepting the above referenced sum, the Employee/Claimant relinquishes all rights for recovery for negligence, intentional torts, employer liability under workers' compensation law, bodily injury and any other potential claims arising under the workers' compensation law and employers' liability policy (including Coverage B) in effect for July 9, 2020 and October 13, 2020 date of accident. The Employee/Claimant also stipulates that he has elected Florida Workers' Compensation Law as his exclusive and sole remedy.

The undersigned Employee/Claimant accepts and assumes all risk; chance or hazard that said injuries, damages, manifestations or losses are now or may become greater, more numerous or more extensive than is now known, anticipated or expected; and the undersigned Employee/Claimant agrees that this release applies to all injuries, damages, manifestations or losses of every kind and character which have arisen, or which may hereafter arise, even though now unknown, unanticipated or unexpected. The undersigned Employee/Claimant hereby acknowledges full responsibility for all future medical benefits.

C. ATTORNEYS FEES:

1. Fee/Costs paid by the Employee/Claimant -

The Employee/Claimant will pay to his attorney the sum of \$3,000.00, out of the above settlement. Additionally, the Employee/Claimant shall pay the sum of \$500.00, as costs. The fee and non-taxable costs shall be paid from the settlement proceeds thereby making the net settlement amount of \$11,500.00.

2. Prior representation -

The Employee/Claimant will be responsible for any and all attorney's fee liens filed or held by any prior attorney, for representation of the Employee/Claimant. The Employee/Claimant agrees to indemnify and hold the Employer/Carrier/Servicing Agent harmless as to any attorney fee liens.

3. Separate Fee Stipulation -

In addition to the above settlement amount, the Employer/Carrier/Servicing Agent shall pay to the Employee/Claimant's attorney a fee in the amount of \$15,000.00. Said fee is for obtaining the following benefit(s): payment of medical bills. This Settlement Agreement and Release is contingent upon the Judge of Compensation Claims approval of the aforementioned separate fee stipulation.

D. CHILD SUPPORT ARREARAGE:

The Employee/Claimant agrees that the sum of \$_____ shall be deducted from the lump sum payable pursuant to this agreement, to pay the outstanding child support arrearage for case number _____. The Employee/Claimant stipulates and agrees that he is not under any additional child support obligation, other than the aforementioned case number. The Employee/Claimant also stipulates and agrees that the Employer/Carrier/Servicing Agent shall be indemnified and held harmless against any action brought by any third party for payment of child support arrearage.

E. THIRD PARTY LIENS:

The Employer/Carrier/Servicing Agent does not waive any lien rights pursuant to Florida Statute 440.39 and the lump sum benefits paid herein shall be included in the amount thereof. The Employee/Claimant agrees to give written notification to the Employer/Carrier/Servicing Agent or their attorney as to the filing of any suit against third parties arising out of the accident or injuries giving rise to this claim and to advise as to any recovery received from third parties arising out of the accident or injuries which are the subject matter of this claim. The Employee/Claimant further agrees that no proceeds from any third party claim shall be dispersed prior to satisfaction of the Employer/Carrier/Servicing Agent's lien.

II. STIPULATED FACTS:

A. MEDICAL CARE:

The Employee/Claimant acknowledges receipt of authorized medical care by Concentra, Dr. Edward Parra-Davila, Dr. Edward Chung, Good Samaritan Hospital, Gardens Radiology. The Employee/Claimant understands and acknowledges that the aforementioned authorized treatment ceased effective August 17, 2021.

B. WAIVER OF RECOUPMENT OF OVERPAYMENT:

The Employer/Carrier hereby waives all claims for recoupment of the overpayment of temporary indemnity benefits made in these claims totaling \$2,028.00.

III. SPECIFIC WAIVERS AND REPRESENTATIONS:

A. WAIVER OF RIGHT TO HAVE CASE HEARD BY JUDGE OF COMPENSATION CLAIMS AND RIGHT TO BRING PETITION FOR MODIFICATION:

The Employee/Claimant understands that he does hereby relinquish the right to have any unresolved conflicts or disputes involving the right to monetary compensation benefits, impairment benefits, death benefits, attorney's fees, past due medical benefits, future medical benefits, and rehabilitation benefits heard and decided by the Judge of Compensation Claims. The Employee/Claimant also understands that this Settlement Agreement and Release shall not be reviewed by the Judge of Compensation Claims in accordance with Florida Statute 440.20 (11) (c). In addition, the Employee/Claimant also understands that the Order approving the Motion for Approval of Attorney's Fee and Allocation of Child Support Arrearage for Settlement under Section 440.20(11)(c)(d) & (e) is not an award under the Florida Workers' Compensation Act and is not subject to modification or review.

B. WAIVER OF PENALTIES AND INTEREST:

The Employee/Claimant does hereby waive any right he may have to any and all penalties and/or interest on account of the alleged accident or occupational disease referenced herein.

C. RIGHT TO FUTURE MEDICAL CARE CLOSED:

As provided under F.S. 440.20 (11)(c), the lump sum payable herein will fully discharge and satisfy the Employer/Carrier/Servicing Agent's liability, to provide future remedial and palliative medical care under F.S. 440.13, including, but not limited to, follow up examinations, pain medication, diagnostic testing, attendant care, and surgery. Effective August 17, 2021, the Employer/Carrier/Servicing Agent are no longer liable for any medical benefits resulting from the alleged accident or occupational disease referenced herein. Any further/future medical expenses will be the sole responsibility of the Employee/Claimant. The Employee/Claimant agrees to notify his treating physicians that he is now alone fully financially responsible for any and all medical care and treatment.

The Employee/Claimant has considered or had the opportunity to consider any and all reports submitted by medical providers and rehabilitation providers. In addition, the Employee/Claimant has consulted with or had the opportunity to consult with medical providers and rehabilitation providers. The Employee/Claimant stipulates and agrees that he has determined that the amount of money being proposed to settle medical care and treatment is reasonable and adequate to meet the Employee/Claimant's future

medical needs, in connection with the accident, occurrence, incident, exposure or event, which took place on or about July 9, 2020 and October 13, 2020.

D. ALL KNOWN ACCIDENTS, INJURIES AND OCCUPATIONAL DISEASES REVEALED AND ALL PENDING CLAIMS AND/OR PETITIONS FOR BENEFITS WITHDRAWN AND/OR ACTIONS WAIVED:

The Employee/Claimant represents and affirms that all accidents, injuries and occupational diseases known to have occurred or sustained while employed by CITY OF RIVERA BEACH have been revealed to the Employer/Carrier/Servicing Agent. All pending Claims/Petitions for Benefits are hereby voluntarily withdrawn and dismissed, with prejudice. It is stipulated and agreed that no accidental injuries or occupational diseases other than that specifically mentioned herein have been sustained, while the Employee/Claimant was employed at CITY OF RIVERA BEACH. This settlement represents a settlement of any and all claims or actions that may arise from the accident referenced herein and any claims or actions that may have arisen out of the Employee/Claimant's employment with CITY OF RIVERA BEACH.

In addition, as further consideration for such payment, the Employee/Claimant agrees and does hereby release, discharge, and surrender any and all claims, whether or not asserted, against the Employer/Carrier/Servicing Agent of any nature whatsoever, without any limitation thereof.

E. EMPLOYER/CARRIER/SERVICING AGENT'S PAYMENT OF PAST MEDICAL BILLS:

The Employer/Carrier/Servicing Agent agrees to pay, in accordance with the Workers' Compensation Fee Schedule, any bills for treatment causally related to work accident or occupational disease, from authorized health care providers/facilities, for dates of service prior to August 17, 2021. The Employer/Carrier/Servicing Agent will pay for such services upon receipt of the authorized treating physician's bills, submitted upon proper form.

The Employer/Carrier/Servicing Agent does not agree to pay any bills from unauthorized health care providers/facilities and the Employee/Claimant stipulates and agrees that he is solely responsible for resolving and satisfying any liens or attachments, filed by any health care provider/facility, not authorized by the Employer/Carrier/Servicing Agent. The Employee/Claimant also stipulates and agrees that he is not aware of any liens or attachments, filed by any health care provider/facility, not authorized by the Employer/Carrier/Servicing Agent. Moreover, the Employee/Claimant stipulates and agrees that the Employer/Carrier/Servicing Agent shall be indemnified and held harmless, against any action brought by any third party, for payment of past medical bills, for medical treatment, not authorized by the Employer/Carrier/Servicing Agent.

F. FULL AND COMPLETE KNOWLEDGE:

The Employee/Claimant acknowledges that he has full and complete knowledge of all pertinent and material facts in the instant claim and it is his desire to

settle this claim, fully and finally, consistent with and under the provisions of Section 440.20 of the Florida Statutes. The Employee/Claimant has entered into this agreement after full discussion and consideration of the matter and with full knowledge of the reports and opinions of the Employee/Claimant's treating physicians and rehabilitation counselors, as well as the Employee/Claimant's own estimate of her physical condition. The Employee/Claimant further represents that his rights under the Florida Workers' Compensation Law have been explained to his satisfaction and that he has made independent inquiry concerning the reasonableness of the settlement and his medical and disability status or has waived the opportunity to do so. Moreover, this Settlement Agreement and Release is the by-product of a duly scheduled Mediation which took place on July 12, 2021. The Mediation Agreement which resulted therefrom is incorporated herein by reference.

The Employee/Claimant understands that if this case were not settled, the Employee/Claimant would have a period of time following the date of last payment of compensation or furnishing of medical care in which to make a further claim against the Employer/Carrier/Servicing Agent herein because of injuries suffered in this accident. The Employee/Claimant feels it is advantageous and in his best interest to terminate this litigation and accept the settlement agreed to hereunder in full and final adjudication and settlement of this claim to compensation and medical benefits. The Employee/Claimant understands that the Employer/Carrier/Servicing Agent also waive substantial rights in settling this claim. The Employee/Claimant also understands that if he initiates legal proceedings pertaining to this Settlement Agreement and Release, after the Judge of Compensation Claims approves the Motion for Approval of Attorney's Fees and Allocation of Child Support Arrearage for settlement under Section 440.20(11)(c)(d)&(e), the Employee/Claimant shall be liable to the Employer/Carrier/Servicing Agent for all its' expenses, including reasonable attorney's fees, incurred during the proceeding.

As a further consideration and inducement for this compromise settlement, the undersigned Employee/Claimant agrees to indemnify, protect and hold harmless all parties named in this Settlement Agreement and Release and all other persons, firms and corporations whomsoever, from all judgments, costs, attorney's fees and expenses whatsoever arising on account of any action, claim or demand including but not limited to the following: all claims for subrogation, workers' compensation liens, bills and any and all claims under any Federal, State or local income disability act; any other public programs providing medical expenses, disability payments, or other similar benefits; any and all claims under Medicaid, Medicare; any and all claims for reimbursement or subrogation under any group medical policy, individual medical policy or any health maintenance organization; any and all claims for reimbursement or subrogation under any health, sickness, or income disability insurance, automobile accident insurance, and any other similar insurance that provides health benefits or income disability coverage; any and all claims for reimbursement or subrogation under any contract or agreement with any group, organization, partnership or corporation which provides for the payment or reimbursement of medical expenses or wages during the period of disability; and any and all actions, claims or demands whatsoever of any type or nature which may hereafter be brought or asserted against the parties named in this Settlement Agreement and

Release, on account of any injury, loss or damage resulting from the accident, occurrence, incident or event aforesaid.

The undersigned Employee/Claimant warrants that no promise or inducement not herein expressed has been made; that in executing this Release the undersigned Employee/Claimant is not relying upon any statement or representation made by any person, firm or corporation hereby released or any agent, physician or doctor or other person representing them or any of them concerning the nature, extent or duration of the injuries, losses or damages here involved or the legal liability therefor, or concerning any other thing or matter; that the payment of the above-mentioned sum is in compromise settlement and full satisfaction of all the aforesaid actions, claims and demands whatsoever; that the undersigned Employee/Claimant is over the age of twenty-one (21) years and legally competent to execute this Release and that the undersigned Employee/Claimant is fully informed of the contents of this Settlement Agreement and Release and signs it with full knowledge of its meaning.

G. VOLUNTARY SETTLEMENT:

The Employee/Claimant understands that he, like the Employer/Carrier/Servicing Agent, does not have to settle and is doing so freely, voluntarily and with no duress or coercion from anyone. The Employee/Claimant also affirms that he is mentally competent and understands all of the terms of this agreement and the consequences therefrom and further has had advice of counsel, with whom the Employee/Claimant is satisfied. The Employee/Claimant further understands that he has the right to take any claim/petition for any Workers' Compensation benefits to a hearing to have said claim/petition heard by a Judge of Compensation Claims and that by settling he gives up that right permanently. The Employee/Claimant represents that he has read this settlement agreement and release and hereby acknowledges that he understands and accepts all of the terms and conditions herein and that he has done so with the advice of counsel.

H. SEVERABILITY CLAUSE:

The Employer/Carrier/Servicing Agent and the Employee/Claimant agree that if any one section of this Settlement Agreement and Release shall be found to be void or otherwise ineffective, same shall not serve to nullify the entire Settlement Agreement and Release and that such section(s) shall be severable from the Settlement Agreement and Release.

I. CONSTITUTIONALITY CLAUSE:

The Employer/Carrier/Servicing Agent and the Employee/Claimant agree that in the event that this Settlement Agreement and Release shall be found to be unconstitutional or invalid by the District Court of Appeal or the Florida Supreme Court, or is otherwise not given full force and effect or is voided for any reason, in part or in whole, the Employer/Carrier/Servicing Agent shall be entitled to full reimbursement of the lump sum paid to the Employee/Claimant provided for herein, within 30 days of the

request by the Employer/Carrier/Servicing Agent. If any portion of the settlement proceeds is not returned to the Employer/Carrier/Servicing Agent within 30 days of the request by the Employer/Carrier/Servicing Agent, the Employer/Carrier/Servicing Agent shall be entitled to a 100% offset against the Employee/Claimant's indemnity benefits and medical benefits until the settlement amount is fully repaid. Under no circumstances shall the settlement amount provided for herein be considered a gratuitous payment by the Employer/Carrier/Servicing Agent.

J. CONSIDERATION FOR SOCIAL SECURITY BENEFITS AND OFFSETS:

The parties stipulate and agree that the Employee/Claimant's entitlements to Social Security benefits and the various offsets concerning same have been considered by the parties in agreeing to the terms of this agreement. The terms and allocation of these benefits and offsets may be contained in a separate document to be attached hereto. The Employee/Claimant acknowledges that he understands that if he has received any benefits, at any time, from Medicare or Medicaid for any injuries or conditions, related or not to his industrial accident, he must contact Medicare/Medicaid to resolve any lien or claim Medicare/Medicaid might have against the proceeds of this settlement. The Employer/Carrier is entering into this agreement on the understanding that the Employee/Claimant has not received any benefits under Medicare or Medicaid or, if the Employee/Claimant received such benefits, that the Employee/Claimant has promised to resolve any claim, lien, or other rights Medicare/Medicaid might have against these proceeds. The Employee/Claimant acknowledges that any and all known liens or potential liens involving Medicare, Medicaid, the Internal Revenue Service, child support enforcement, or other agencies of Federal, state or local governments have been revealed to the Employer/Carrier and agrees to indemnify and hold harmless the Employer/Carrier regarding any such liens.

K. MEDICARE CONSIDERATIONS:

The Centers for Medicare and Medicaid Services have stated in a memorandum circulated to its regional offices that Medicare's interests must always be considered in those workers' compensation settlements. However, CMS has set workload thresholds for approval in workers' compensation settlements wherein: 1) the Claimant is already a Medicare beneficiary, and the settlement amount is greater than \$25,000.00 OR 2) the Claimant has a "reasonable expectation" of Medicare enrollment within thirty (30) months of the settlement date and the anticipated total settlement amount is greater than \$250,000.00. On May 11, 2011, The Centers for Medicare and Medicaid Services have stated in a memorandum circulated to its regional offices that "submission of a WCMSA proposal to CMS for review and approval is a recommended process. There are no statutory or regulatory provisions requiring that a WCMSA proposal be submitted to CMS for review." Based upon those memoranda, the parties agree that this settlement does not meet the above criterion because the Employee/Claimant has not applied for social security disability and he is not a Medicare Beneficiary. Therefore, the settlement does not meet the workload threshold review.

Considerable attention has been given to the Employee/Claimant's entitlement to Social Security disability benefits pursuant to 42 U.S.C. § 423, and receipt of Medicare benefits under 42 U.S.C. § 1395y, as well as the entitlement of the Centers for Medicare and Medicaid Services ("CMS") to subrogation and intervention, pursuant to 42 C.F.R. §§ 411.40 to 411.47, to recover any overpayment made by Medicare. It is not the purpose of this settlement agreement to shift to Medicare the responsibility for payment of medical expenses for the treatment of work related conditions. Instead, this settlement agreement is intended to provide the Employee/Claimant with a lump sum which will foreclose these expenses

The parties have not considered the receipt of any Medicare or Medicaid assistance for the purpose of an alternative means of medical recovery pursuant to negotiations. The settlement reached herein has been based upon the full anticipated value of future workers' compensation indemnity and medical benefits exposure offset by future uncertainty as to the nature and extent of the Employee/Claimant's entitlement to these benefits, and available statutory defenses.

In the event of Medicare or CMS make a claim for past or future Medicare benefits, Medicaid asserts a lien, or there are any child support liens, arrearages, orders, obligations or claims, on any part of this settlement, the Employee/Claimant agrees to fully and completely indemnify, defend and hold harmless the Employer/Carrier/ Servicing Agent against any resulting obligation, claim, penalty, fine, or lien. The Employee/Claimant expressly agrees to accept full liability for any prior attorney liens for representation or benefits acquired for the Employee/Claimant in relation to the industrial accident(s) and Employee/Claimant's counsel agrees to hold settlement proceeds in trust until any prior attorney lien, if any, is resolved.

The Employee/Claimant acknowledges that the Employee/Claimant has not relied on any representations, advice or counsel of the employer/Carrier or Servicing Agent, their attorneys, agents or adjusters regarding the Employee/Claimant's entitlement to Social Security, Medicare or Medicaid benefits or the impact the terms of this agreement may have on such benefits. The Employee/Claimant further acknowledges that any decision regarding entitlement to Social Security, Medicare or Medicaid benefits, including the amount and duration of payments and offset or reimbursement for prior or future payments is exclusively within the jurisdiction of the Social Security Administration, The United States Government, and the United States Federal courts and is determined by Federal Law. As such, the United States Government is not bound by any of the terms of this agreement. The Employee/Claimant has been advised of his right to seek assistance from legal counsel of his choosing or directly from the Social Security Administration or other governmental agencies regarding the impact this agreement may have on the Employee/Claimant's present or future entitlement to Social Security, Medicare, Medicaid, or other governmental benefits. Notwithstanding the foregoing, the Employee/Claimant desires to enter into the terms of this Agreement and release of claims.

This Settlement Agreement and Release was signed by the Employee/Claimant on this _____, day of _____, 2021, and by the attorney for the Employee/Claimant on this _____, day of _____, 2021, and by the attorney for the Employer/Carrier/Servicing Agent on this _____, day of _____, 2021.

Louis Kanitsch
Employee/Claimant

Lyle B. Masnikoff, Esquire
Lyle B. Masnikoff & Associates, P.A.
Attorney for Employee/Claimant

ESTHER ZAPATA RUDERMAN, ESQUIRE
CONROY SIMBERG
Attorney for Employer/Carrier

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2021 by _____, who is personally known to me, or who has produced _____ as identification and certifies that the information furnished by him as incorporated in the foregoing Settlement Agreement and Release is true and correct and that he (has read the Stipulation)(has had the Stipulation read to him) and has executed the foregoing Agreement freely and voluntarily for the uses and purposes therein expressed..

(Seal)

Signature of Notary Public

Print, Type or Stamp Name of Notary

CITY OF RIVIERA BEACH CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: 8/18/2021

Agenda Category: REGULAR RESOLUTION

Subject: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING SITE PLAN APPLICATION (SP-20-26) FROM SALT POND PROPERTY, TO OPERATE A CHILD CARE FACILITY (58 CHILDREN) OCCUPYING PORTIONS OF AN EXISTING 9,609 SQUARE FEET (SF) BUILDING, WITH APPROXIMATELY 3,886 SF IN BUILDING AREA DESIGNATED FOR THE CHILD CARE USE AND APPROXIMATELY 3,013 SF DESIGNATED FOR OUTDOOR PLAY AREA, ON A 0.89-ACRE PARCEL OF LAND, LOCATED ON THE NORTHWEST CORNER OF AVENUE E AND W. 14TH STREET, WITH POSTAL ADDRESS 1401 AVENUE E, IDENTIFIED BY PARCEL CONTROL NUMBER 56-43-42-33-04-003-0011, HAVING A DOWNTOWN MIXED USE (DMU) FUTURE LAND USE DESIGNATION AND A DOWNTOWN GENERAL (DG) ZONING DESIGNATION, PROVIDING FOR CONDITIONS OF APPROVAL, AND PROVIDING FOR AN EFFECTIVE DATE.

Recommendation/Motion: City staff recommends City Council approval of this Resolution.

Originating Dept	Development Services	Costs	N/A
User Dept.	City	Funding Source	
Advertised	No	Budget Account Number	N/A
Date			
Paper			
Affected Parties	Notified		

Background/Summary:

On January 6, 2021, the New Beginning Global Outreach Ministry applicant submitted an application for site plan approval (SP-20-26). The subject property is a 0.89-acre parcel, but only approximately 0.74 acres being the affected area for this application proposal. Therefore, the most northeastern portions (approximately 0.15-acre) of the lot are not part of this site plan approval (as indicated on the site plan). The proposed use encompasses the operation of a childcare facility (58 children) in an existing 9,609 square feet (SF) building, with approximately 3,886 SF (in building area) designated for childcare use and about 3,013 SF for an outdoor play area. The remaining (5,723 SF Building area) portions of the building are currently being used as a place of worship, and its' operations will continue to remain, as shown on the site plan.

Staff conducted an initial review and provided the applicant with comments. Subsequent submittals were

reviewed, and all comments were resolved prior to the application's placement on the Planning and Zoning Board Agenda. A detailed staff analysis of this development proposal is included in the backup materials for this agenda item. The site plan application for the subject property was presented to the Planning and Zoning Board (Board) on Thursday, June 10, 2021, and the Board recommended approval. If approved by City Council, this site plan application will cause this site plan to be the controlling document to remain on record and must be adhered to or amended for any future redevelopment in accordance with the Land Development Regulations.

Fiscal Years	N/A
Capital Expenditures	N/A
Operating Costs	N/A
External Revenues	N/A
Program Income (city)	N/A
In-kind Match (city)	N/A
Net Fiscal Impact	N/A
NO. Additional FTE Positions (cumulative)	N/A

III. Review Comments

A. Finance Department Comments:

B. Purchasing/Intergovernmental Relations/Grants Comments:

C. Department Director Review:

Contract Start Date

Contract End Date

Renewal Start Date

Renewal End Date

Number of 12 month terms this renewal

Dollar Amount

Contractor Company Name

Contractor Contact

Contractor Address

Contractor Phone Number

Contractor Email

Type of Contract

Describe

ATTACHMENTS:

File Name	Description	Upload Date	Type
Memo_to_Council- _Daycare_Site_Plan_for_1401_Ave_E.docx	Memo to Council	8/10/2021	Cover Memo
Site_Plan_-_1401__E__Avenue.pdf	Site Plan - Exhibit A	8/3/2021	Exhibit
Landscape_plan_-_1401__E__Avenue.pdf	Landscape Plan - Exhibit B	8/3/2021	Exhibit
SP-20-26_-_SURVEY.pdf	Survey	8/3/2021	Backup Material
Staff_Report_-_Daycare.pdf	Staff Report	8/3/2021	Backup Material
Resolution_No.84-21_- _Childcare_Facility[1].docx	Resolution No. 84-21	8/11/2021	Resolution
SP-20-26_-_JUSTIFICATION_LETTER.pdf	Justification Statement	8/3/2021	Backup Material
TPS_report_validation_by_county_traffic.pdf	TPS Letter	8/3/2021	Backup Material
SP-20-26_-_Uniform_Land_Use_Application.pdf	Application	8/3/2021	Backup Material
Agent_Authorization.pdf	Agent Authorization Form	8/3/2021	Backup Material
Memo_to_Council- _Daycare_Site_Plan_for_1401_Ave_E.docx	Memo to Council	8/11/2021	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Community Development	Sirmons, Clarence	Approved	8/4/2021 - 7:50 PM
Purchasing	Williams, Glendora	Approved	8/5/2021 - 9:49 AM
Finance	sherman, randy	Approved	8/9/2021 - 2:09 PM
Attorney	Busby, Lina	Approved	8/10/2021 - 4:11 PM
City Clerk	Robinson, Claudene	Approved	8/10/2021 - 4:45 PM
City Manager	Jacobs, Deirdre	Approved	8/11/2021 - 7:50 PM



"The Best Waterfront City in Which to Live, Work And Play."

CITY OF RIVIERA BEACH

TO: HON. MAYOR, CHAIRPERSON, AND CITY COUNCIL

THROUGH: JONATHAN EVANS, MPA, MBA, ICMA-CM, CITY MANAGER

FROM: CLARENCE SIRMONS, AICP, DIRECTOR OF DEVELOPMENT SERVICES

SUBJECT: **SITE PLAN RESOLUTION FOR APPLICATION SP 20-26 FOR A DAYCARE AT 1401 AVE E**

DATE: AUGUST 18, 2021

CC: GENERAL PUBLIC

Background:

On January 6, 2021, the New Beginning Global Outreach Ministry applicant submitted an application for site plan approval (SP-20-26). The subject property is a 0.89-acre parcel, but only approximately 0.74 acres being the affected area for this application proposal. Therefore, the most northeastern portions (approximately 0.15-acre) of the lot are not part of this site plan approval (as indicated on the site plan). The proposed use encompasses the operation of a childcare facility (58 children) in an existing 9,609 square feet (SF) building, with approximately 3,886 SF (in building area) designated for childcare use and about 3,013 SF for an outdoor play area. The remaining (5,723 SF Building area) portions of the building are currently being used as a place of worship, and its' operations will continue to remain, as shown on the site plan.

Staff conducted an initial review and provided the applicant with comments. Subsequent submittals were reviewed, and all comments were resolved prior to the application's placement on the Planning and Zoning Board Agenda. A detailed staff analysis of this development proposal is included in the backup materials for this agenda item. The site plan application for the subject property was presented to the Planning and Zoning Board (Board) on Thursday, June 10, 2021, and the Board recommended approval. If approved by Council, this site plan application will cause this site plan to be the controlling document to remain on record and must be adhered to or amended for any future redevelopment in accordance with the Land Development Regulations.

City Goals:

Achieve a Sustainable Economy

Fiscal/Budget Impact:

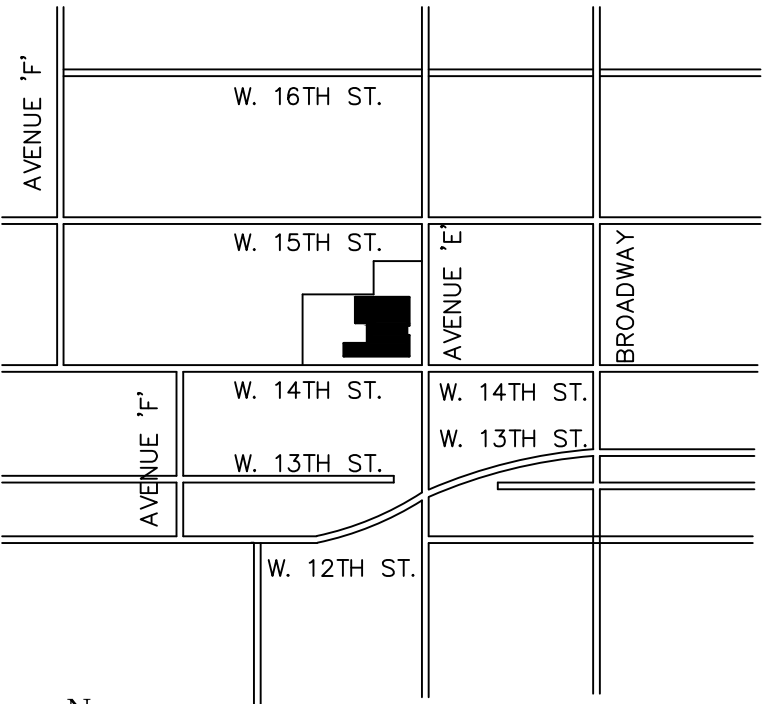
N/A

Recommendation:

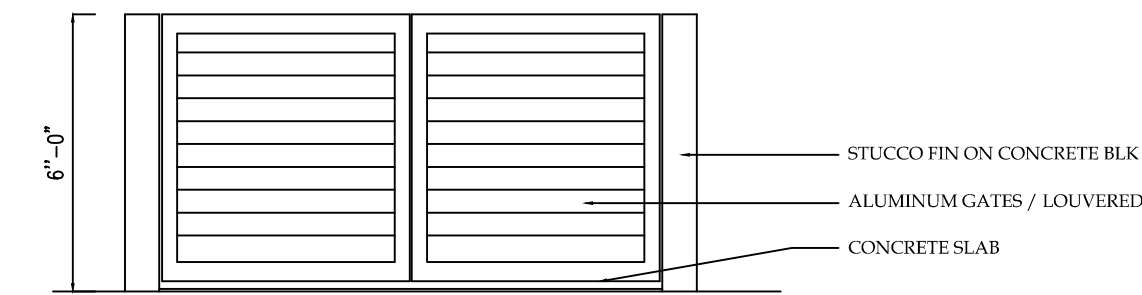
Staff Recommends Approval of this site plan.

Attachments:

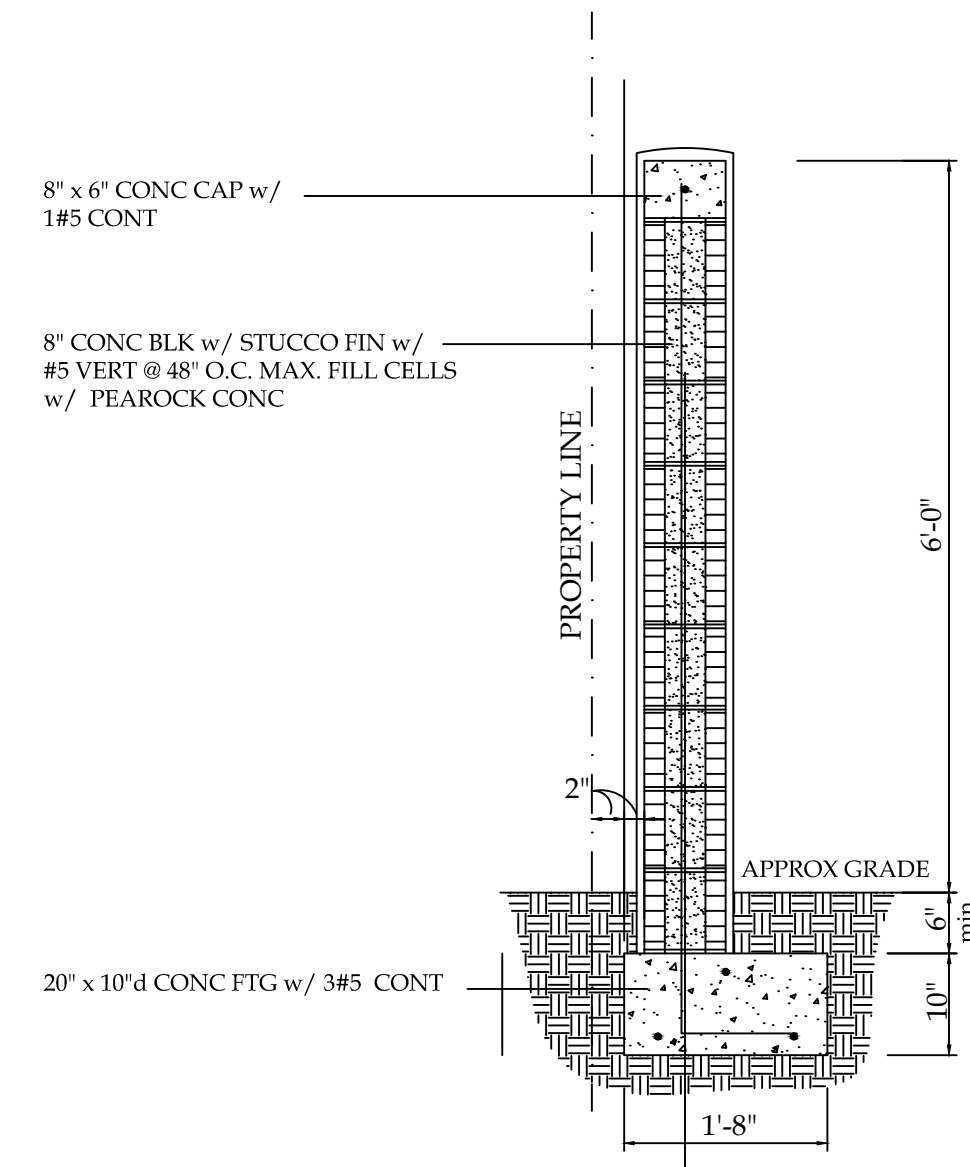
1. Site Plan Resolution
2. Site Plan – Exhibit A
3. Landscape Plan –Exhibit B
4. Survey
5. Staff Report
6. Justification Statement
7. TPS Letter
8. Agent Authorization Form
9. Application



VICINITY MAP



ELEV @ DUMPSTER DOORS



GARDEN WALL

3/4" = 1'-0"

SITE DATA

- APPLICATION NUMBER: SP-20-26
- EXISTING ZONING: DOWNTOWN GENERAL
- PROPERTY CONTROL NUMBER: 56 43 42 33 04 003 0011
- FUTURE LAND USE: DOWNTOWN MIXED USE (DMU)
- TOTAL PROPERTY AREA: 38,875 SQ. FT. (.89 ACRES)
- TOTAL AREA IN SCOPE OF WORK: 32,250 SQ. FT. (.74 ACRES)
- TOTAL BUILDING AREA: 9609 SQ. FT. (.247%)
- IMPERVIOUS AREA:
 - EXISTING IMPERVIOUS AREA: 28611 SQ. FT. (73.6%)
 - PROPOSED IMPERVIOUS AREA: 25940 SQ. FT. (66.72%)
- LANDSCAPE AREA:
 - EXISTING LANDSCAPE AREA: 665 SQ. FT. (1.70%)
 - PROPOSED LANDSCAPE AREA: 3326 SQ. FT. (8.57%)
- FLOOR TO AREA RATIO: .247%
- TRAFFIC ANALYSIS ZONE: 145
- FLOOD ZONE: B

SEPARATION REQUIREMENT: THERE ARE NO PACKAGE STORES, BARS, NIGHTCLUBS OR ADULT ENTERTAINMENT ESTABLISHMENTS, WITHIN 500 FEET OF THIS PROPERTY

BUILDING DATA (EXISTING TO REMAIN)

- TOTAL GROSS FLOOR AREA: 9609 SQ. FT.
- CURRENT USE: ASSEMBLY (PARTIAL): 5722.7 SQ. FT. (59.56%)
- UNUSED: 3886.3 SQ. FT. (40.44%)
- PROPOSED USE:
 - ASSEMBLY: 5722.7 SQ. FT. (59.56%)
 - CHILD DAYCARE: 3886.3 SQ. FT. (40.44%)
- BUILDING HEIGHT: 12 FEET
- NUMBER OF STORIES: 1 STORY

BUILDING SETBACKS

	REQ'D	PROVIDED
NORTH:	0.0 FEET	4.3 / 64 FEET
EAST:	10.0 MIN / 15.0 MAX	29.2 FEET
SOUTH:	10.0 FEET	19.7 FEET
WEST:	29.2 FEET	102.5 FEET

PARKING DATA

	REQ'D	PROVIDED
PARKING REQUIRED:	30 SPACES	31 SPACES
HANDICAP SPACES REQUIRED:	2 SPACES	2 SPACES
HANDICAP SPACES PROVIDED:	2 SPACES	2 SPACES
DROP OFF SPACES REQUIRED:	4 SPACES	4 SPACES
CHURCH STAFF:	19 SPACES	19 SPACES
DAYCARE STAFF:	11 SPACES	11 SPACES

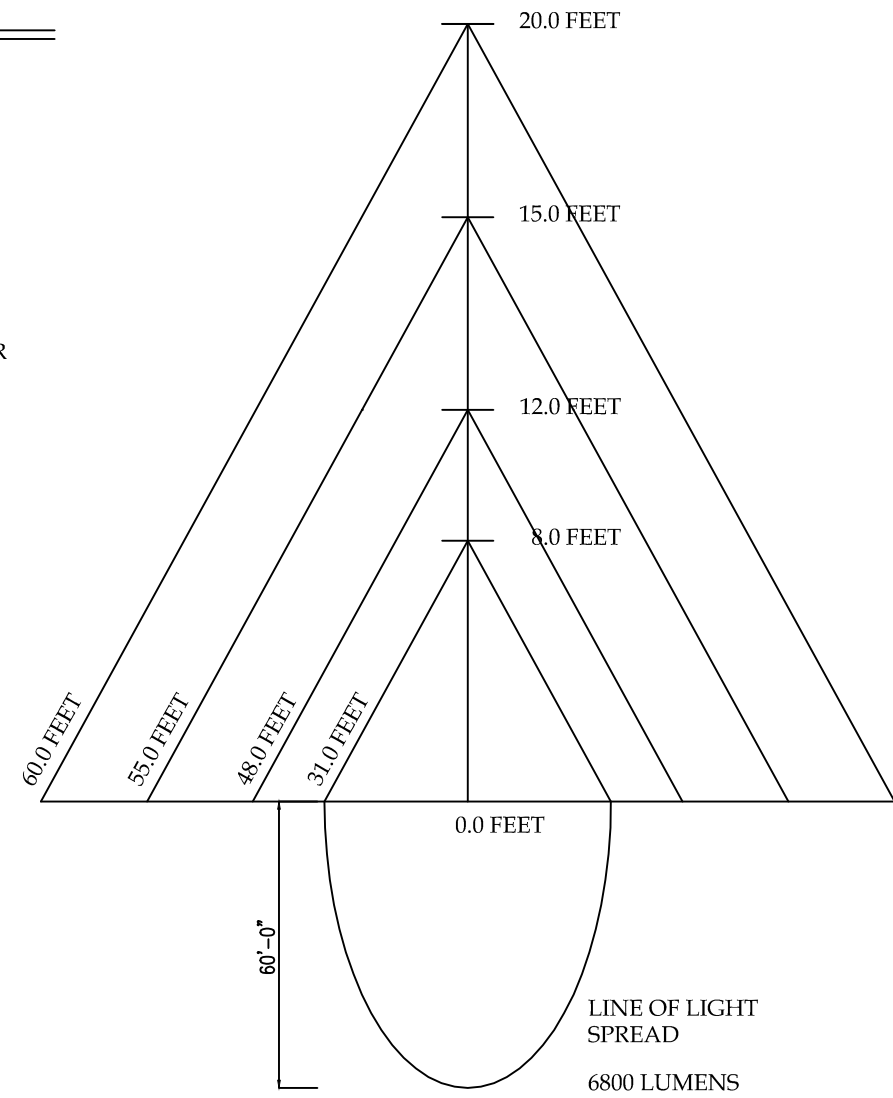
CLASSROOM	MAXIMUM CHILD OCCUPANCY
1	22 CHILDREN
2	11 CHILDREN
3	25 CHILDREN
TOTAL PROVIDED FOR:	58 CHILDREN
TOTAL ALLOWED AT THE FACILITY:	58 CHILDREN
MAX OCCUPANCY CALCULATED @ 35 SQ. FT PER CHILD	

PLAYGROUND SCHEDULE

100 SQ. FT. PLAYGROUND AREA IS REQUIRED PER CHILD. OUR MAXIMUM STUDENT CAPACITY WILL BE 58 CHILDREN. TO ACCOMMODATE ALL OF THE CHILDREN IN THE PLAYGROUND AREA AT THE SAME TIME, WOULD REQUIRE 5800 SQ. FT OF PLAYGROUND AREA. WE HAVE A TOTAL OF 3013.5 SQ. FT. AVAILABLE. THUS, THE "SPLIT SHIFT" METHOD OF PLAYGROUND SCHEDULING WILL BE USED. THIS METHOD OF SCHEDULING WILL ALLOW US TO ACCOMMODATE A MAXIMUM OF 30 STUDENTS ON ON THE PLAYGROUND AT ANYTIME.

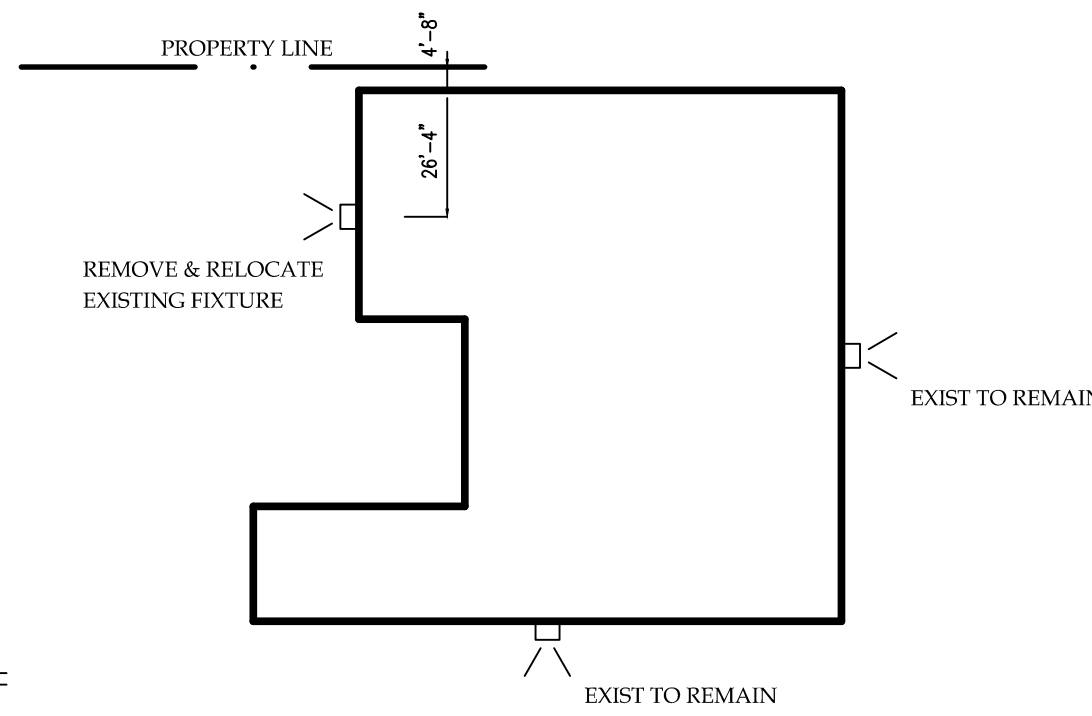
THE TOTAL 3013.5 SQ. FT. PROVIDED PLAYGROUND AREA EXCEEDS THE MINIMUM OUTDOOR PLAY AREA REQUIREMENT, BEING GREATER THAN THAT REQUIRED FOR ONE-THIRD OF THE TOTAL ENROLLMENT CLASSROOMS 1 & 2 WILL BE OF INFANTS AND CHILDREN. CLASS ROOM 3 WILL BE OF CHILDREN OVER 3 YEARS OF AGE.

THIS SCHEDULING IS IN ACCORD WITH THE RIVIERA BEACH CODE OF ORDINANCES, CHAPTER 31-544 C(6)(b).



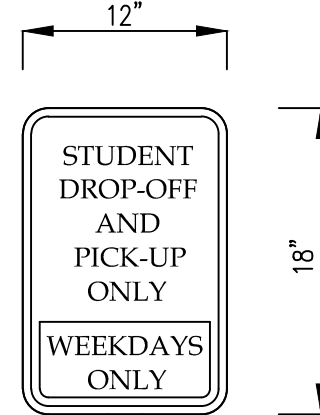
PHOTOMETRICS

THE DIMENSION FROM THE REAR FLOOD LIGHT FIXTURE TO THE NORTH PROPERTY LINE IS 29'-2\"/>



EXIST SITE LIGHTING

EXISTING FLOOD LIGHTS



PARKING SIGNAGE

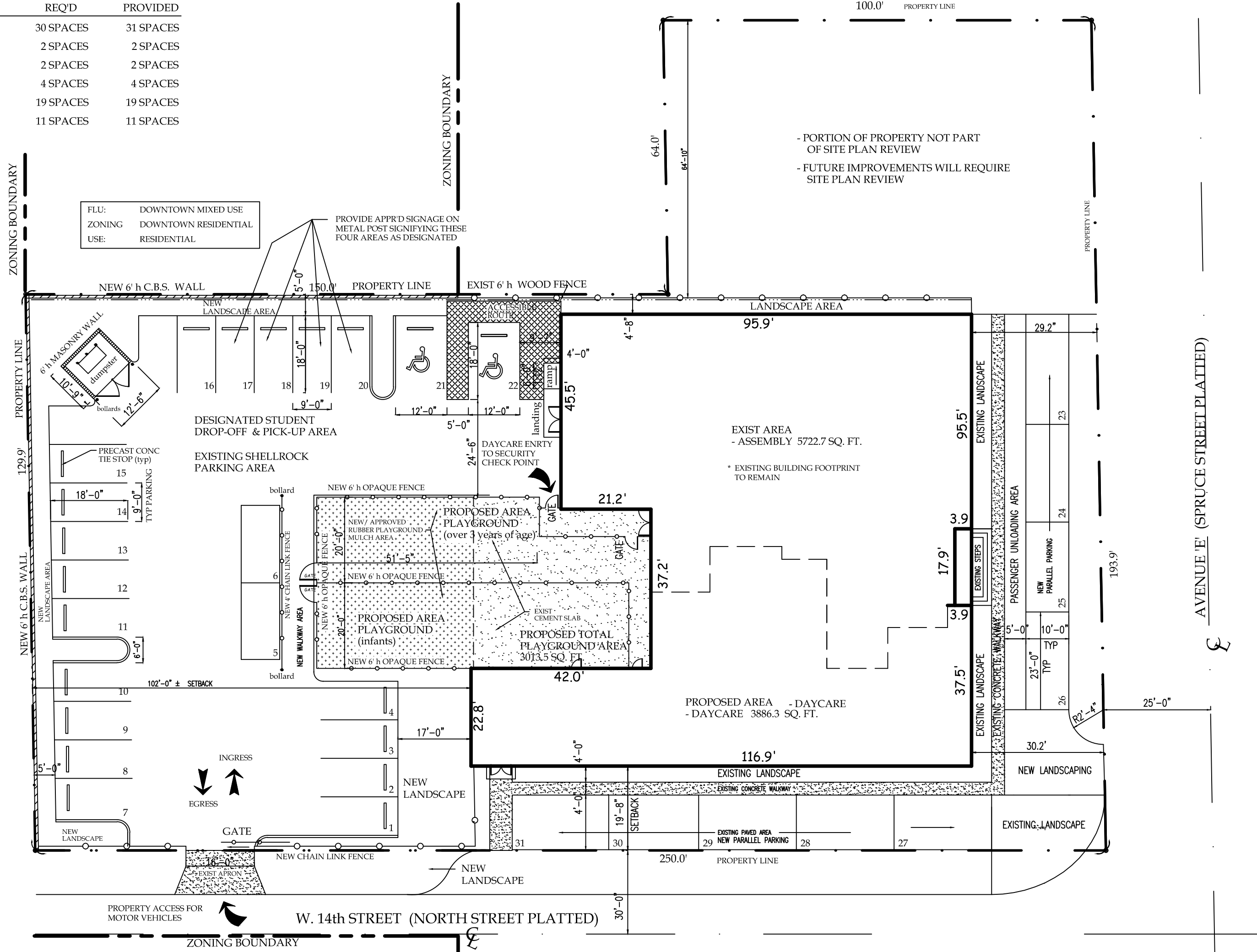
VERIFY MOUNTING HEIGHT AS PER CITY ORDINANCE

EXISTING NON-CONFORMITY CHART

THE EXISTING FRONT SETBACK ALONG AVENUE 'E', IS 29'-2\"/>

SITE PLAN SCOPE OF WORK

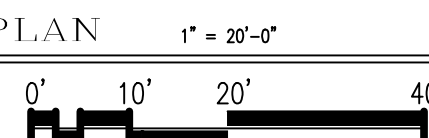
THE EXISTING BUILDING ENVELOPE AND CONCRETE WALKWAYS ARE TO REMAIN. THERE ARE NO NEW EXTERIOR DOORS OR WINDOWS. THE EXISTING SHELLROCK PARKING AREA IS TO REMAIN AND CONCRETE CONCRETE TIRE STOPS. PARKING AREA TO RECEIVE NEW PERIMETER LANDSCAPING AS WELL AS TREES. THE EXISTING FENCED AREA, ATTACHED TO THE STRUCTURE, TO BE ENLARGED TO PROVIDE ADEQUATE PLATGROUND AREA, WITH PARTIAL MULCH AREA. AN AREA HAS BEEN DESIGNATED FOR THE USE, AND CONSEALMENT OF A DUMPSTER, WITH CONCRETE BLOCK WALLS AND METAL GATES. THERE ARE NO MODIFICATIONS TO THE EXISTING DRAINAGE SYSTEM OR CIVIL SYSTEMS. THERE ARE NO MODIFICATIONS TO THE EXISTING UTILITY SERVICES LOCATIONS OR METHOD OF DISTRIBUTION.



LEGAL DESCRIPTION

LOT 22 THRU 26, AND THE SOUTH 64 FEET OF LOTS 1 AND 2, ALL IN BLOCK 3, INLET GROVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 14, OF THE RECORDS OF PALM BEACH COUNTY, FLORIDA

SITE PLAN



NOTE:

BASE INFORMATION FOR THIS SITE WAS OBTAINED FROM A SURVEY PREPARED BY TARGET SURVEYING JOB #: 210739

DATE:
15 APRIL 2021

REVISIONS
28 MAY 2021

SITE PLAN

ADDITIONS & ALTERATIONS TO THE EXIST FACILITY
NEW BEGINNINGS GLOBAL
OUTREACH MINISTRIES
1401 AVENUE 'E' - RIVIERA BEACH, FLORIDA

IN JOINT VENTURE COLLABORATION WITH
ZIAIA INTERNATIONAL ASSOCIATES
ARCHITECTURAL PROJECT MANAGEMENT
PALM BEACH GARDENS, FLORIDA
561-624-0395
szc@ziaia.com

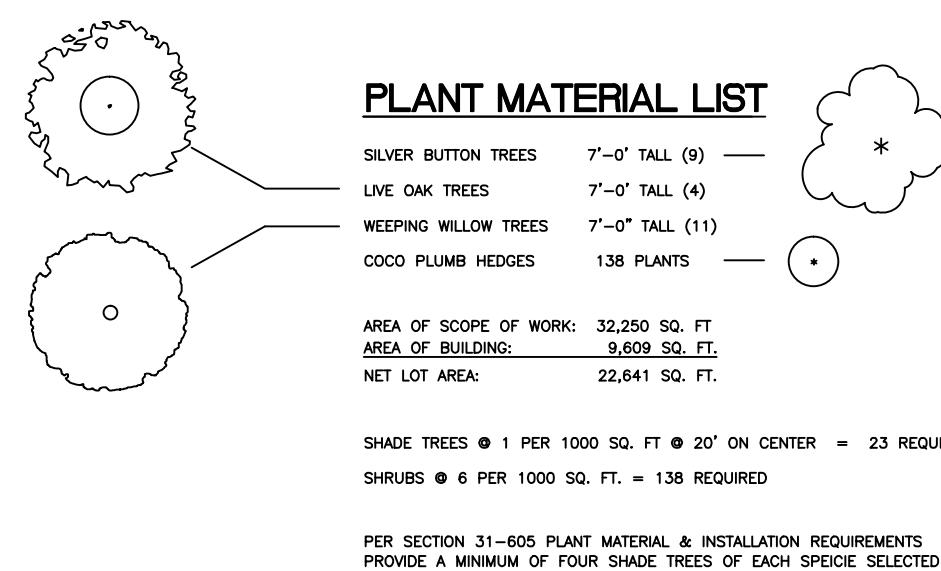
John M. Nossal, Architect
TALLAHASSEE, FLORIDA



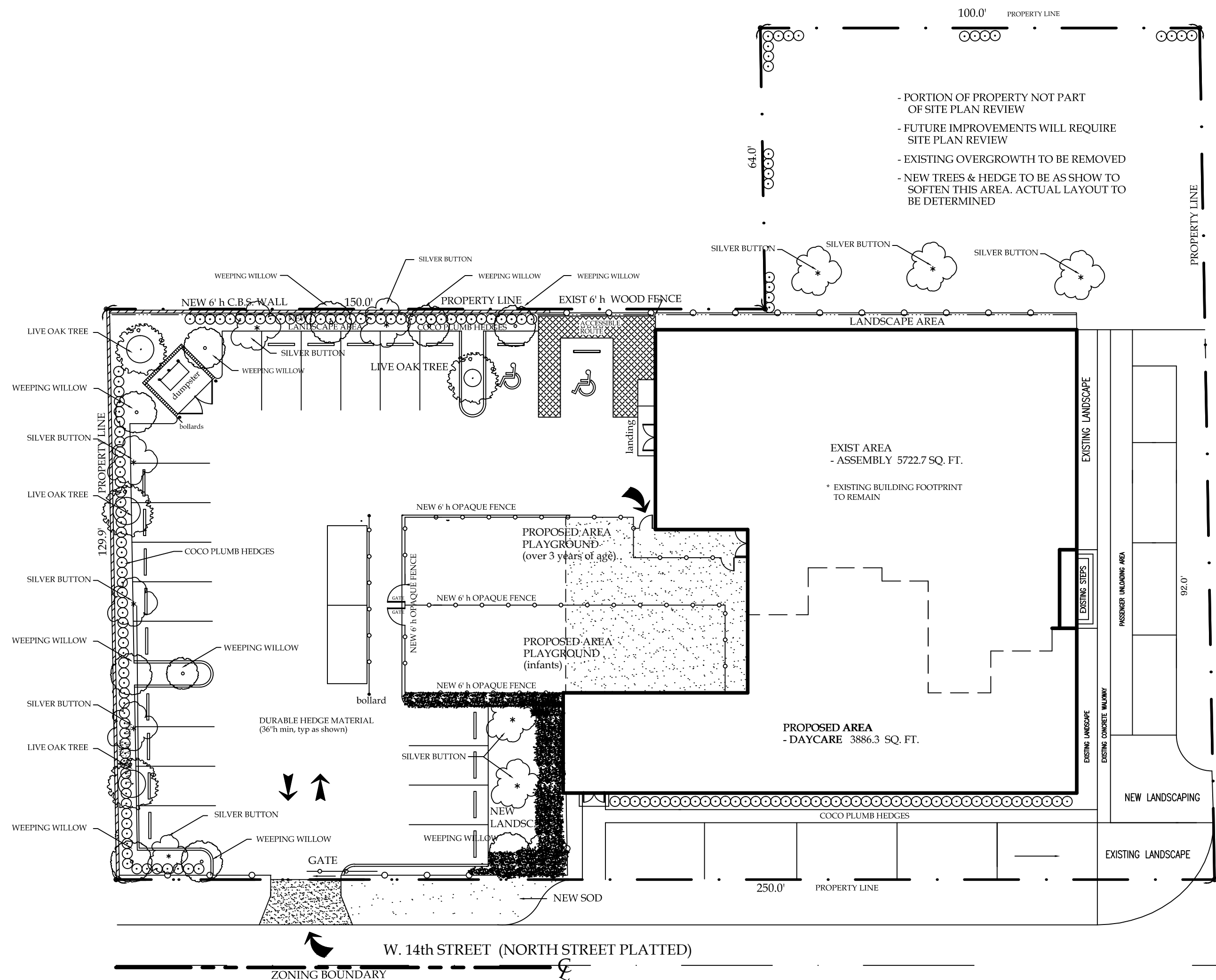
SHEET No

SP-1

NBPM



REQ.D NUMBER OF SHADE TREES	MIN. NUMBER OF SHADE TREES SPECIES
1 - 5	1
6 - 15	2
16 - 30	3
31 - 50	4
51 - 75	5
OVER 75	6



1. EASEMENTS SHALL NOT ENCROACH LANDSCAPE BUFFERS MORE THAN 5 FEET.
2. LANDSCAPING IN RIGHT-OF-WAY BUFFERS SHALL BE INSTALLED ON THE EXTERIOR SIDE OF WALLS OR FENCES.
3. ALL PLANTING MATERIALS AND METHODS SHALL BE APPROVED BY THE CITY ENGINEER.
4. ALL PLANT MATERIAL TO BE INSTALLED AT THE HEIGHT, SPREAD AND DBH/CALCULATED SHOWN IN THE PLANT LIST. CONTAINER SIZES ARE GIVEN AS A SUGGESTION ONLY.
5. NO MUCK GROWN SOON SHALL BE USED.
6. ALL LANDSCAPE AREAS, INCLUDING SOIL, SHALL BE IRRIGATED WITH AN UNDERGROUND AUTOMATIC SPRINKLER SYSTEM PROVIDING A MINIMUM 10% COVERAGE. PROVED APPROVED RAIN SENSOR. VERIFY IRRIGATION SYSTEM DESIGN WITH THE CITY ENGINEER.
7. ALL PLANTING MATERIALS SHALL BE INSTALLED IN THE CORRECT ORIENTATION TO THE PLANTING. WATER SHALL BE APPLIED TO ALL NEW TREE AND HEIGHT LOCATIONS. BEST WAY. WATER SHALL BE FROM A POTABLE OR WELL WATER.
8. TREES SHOWN ON THIS PLAN ARE FOR GRAPHIC REPRESENTATION ONLY. TREE SPACING IS BASED ON DESIGN REQUIREMENTS AND THE TREES SHOWN ATTEMPT TO ACCOMPLISH THAT. TREES MAY BE ADJUSTED TO ACCOMMODATE THE PLANTING. TREES SHOWN IN THIS PLAN ARE NOT TO BE USED AS A GUIDE. TREES SHALL BE LOCATED IN THE FIELD IN ACCORD WITH THE PLANTING DETAILS SHOWN.
9. TREES ARE TO BE INSTALLED WITH A TEN FOOT BARRIER FROM ANY WATER OR SEWER MAIN, SERVICE LINE, OR UTILITY. A TEN FOOT SEPARATION CANNOT BE ACHIEVED, THE TREE CAN BE INSTALLED WITH A BARRIER SYSTEM. REFER TO THE "ROOT BARRIER" DETAIL FOR INSTALLATION REQUIREMENTS. IN NO CASE, SHALL A TREE ENCRUST INTO A FENCE WITHOUT PRELIMINARY APPROVAL AND ONLY SOIL CAN BE EXCAVATED TO REMOVE A TREE FROM THE FENCE LINE.
10. ALL PLANTERS SHALL BE EXCAVATED TO A MINIMUM DEPTH OF THE NATIVE SOIL ON SITE AND BACK-FILLED WITH NATIVE SOIL. BACKFILL MATERIAL SHALL BE FREE FROM ROCK, CONSTRUCTION OR DEBRIS, OR OTHER EXTRANEOUS MATERIAL.
11. ALL PLANTING DEBRIS SHALL BE DISPOSED OF BY THE LANDSCAPE CONTRACTOR, DAILY, IN AREAS PROVIDED BY HIM. DAILY.
12. THE LOCATION OF UTILITIES SHOWN ON THE DRAWINGS ARE APPROXIMATE ONLY. THE EXACT LOCATION OF ALL UNDERGROUND AND OVERHEAD, GAS, WATER, SANITATION AND WASTE LINES, CABLE AND ELECTRIC LINES SHALL BE DETERMINED BY THE GENERAL CONTRACTOR PRIOR TO COMMENCEMENT OF ANY EXCAVATION.
13. EXISTING SOIL TO REMAIN.

THE EXISTING BUILDING ENVELOPE AND CONCRETE WALKWAYS ARE TO REMAIN. THERE ARE NO NEW EXTERIOR DOORS OR WINDOWS.

THE EXISTING PARKING AREA IS TO REMAIN AND RECEIVE NEW CONCRETE TIRE STOPS.

PARKING AREA TO RECEIVE NEW PERIMETER LANDSCAPING AS WELL AS TREES.

THE EXISTING FENCED AREA, ATTACHED TO THE STRUCTURE, TO BE ENLARGED TO PROVIDE ADEQUATE PLAYGROUND AREA, WITH PARTIAL MULCH AREA.

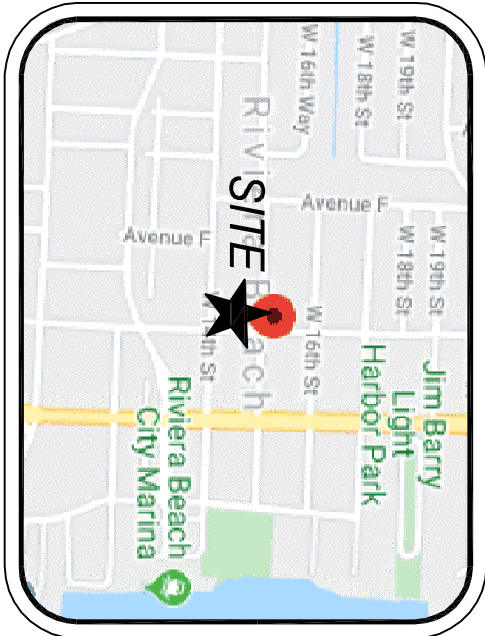
AN AREA HAS BEEN DESIGNATED FOR THE USE, AND CONSEALMENT OF A CONCRETE WALK WITH CONCRETE BLOCK WALLS AND METAL GATES.

THERE ARE NO MODIFICATIONS TO THE EXISTING DRAINAGE SYSTEM OR CIVIL SYSTEMS.

THERE ARE NO MODIFICATIONS TO THE EXISTING UTILITY SERVICES LOCATION OR METHOD OF DISTRIBUTION.

☐ AMENDMENT STAMP ☐ ZONING STAMP

NBPM

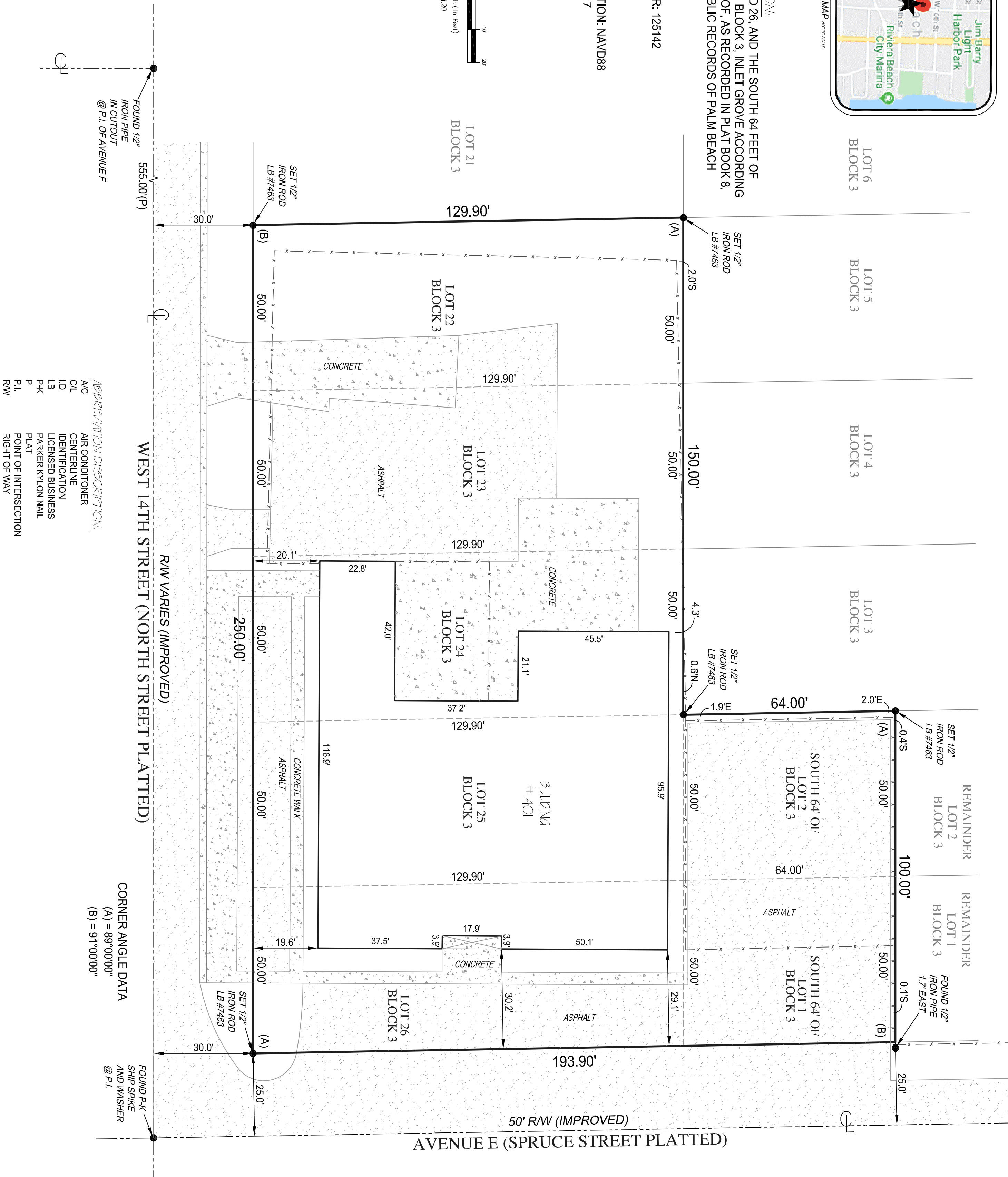
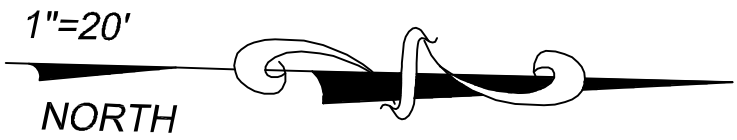
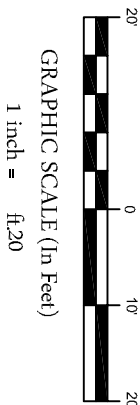


LOCATION MAP NOT TO SCALE

LEGAL DESCRIPTION:

LOT 22, 23, 24, 25 AND 26, AND THE SOUTH 64 FEET OF LOTS 1 AND 2, ALL IN BLOCK 3, INLET GROVE ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 14, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

COMMUNITY NUMBER: 125142
PANEL: 12099C0393
SUFFIX: F
FLOOD ZONE: X
BASE FLOOD ELEVATION: NAVD88
FRM DATE: 10/05/2017



ABBREVIATION DESCRIPTION	
AC	AIR CONDITIONER
CL	CENTERLINE
ID.	IDENTIFICATION
LB	LICENSED BUSINESS
P-K	PARKER KYLON NAIL
P	PLAT
P.I.	POINT OF INTERSECTION
R/W	RIGHT OF WAY

CORNER ANGLE DATA
(A) = 89°00'00"
(B) = 91°00'00"

- NOTES:
- LEGAL DESCRIPTION PROVIDED BY CLIENT
 - NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE
 - NO SUBSURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY
 - ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED

ORIGINAL FIELD WORK
COMPLETED BY:
TARGET SURVEYING, LLC
DATED: 08/20/2014
SURVEY #210739

Kenneth J. Osborne PSM #6415
THIS SURVEY IS NOT VALID WITHOUT
THE SIGNATURE AND THE ORIGINAL RAISED SEAL
OF A FLORIDA LICENSED SURVEYOR AND MAPPER

BOUNDARY SURVEY OF
1401 AVENUE E
RIVIERA BEACH, FL, 33404
PREPARED FOR
TONY ZIAJA



WWW.COMPASSSURVEYING.NET

6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE: 561.640.4800
FAX: 561.640.0576

LB #7463

Project C-18626	Scale 1" = 20'
Date 01-21-2020	1 OF 1



**CITY OF RIVIERA BEACH STAFF REPORT
CASE NUMBER SP-20-26, CHILD CARE FACILITY
PLANNING AND ZONING BOARD – JUNE 10, 2021**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING SITE PLAN APPLICATION (SP-20-26) FROM SALT POND PROPERTY, TO OPERATE A CHILD CARE FACILITY (58 CHILDREN) OCCUPYING PORTIONS OF AN EXISTING 9,609 SQUARE FEET (SF) BUILDING, WITH APPROXIMATELY 3,886 SF IN BUILDING AREA DESIGNATED FOR THE CHILD CARE USE AND APPROXIMATELY 3,013 SF DESIGNATED FOR OUTDOOR PLAY AREA, ON A 0.89-ACRE PARCEL OF LAND, LOCATED ON THE NORTHWEST CORNER OF AVENUE E AND W. 14TH STREET, WITH POSTAL ADDRESS 1401 AVENUE E, IDENTIFIED BY PARCEL CONTROL NUMBER 56-43-42-33-04-003-0011, HAVING A DOWNTOWN MIXED USE (DMU) FUTURE LAND USE DESIGNATION AND A DOWNTOWN GENERAL (DG) ZONING DESIGNATION, PROVIDING FOR CONDITIONS OF APPROVAL, AND PROVIDING FOR AN EFFECTIVE DATE.

A. Applicants: Salt Pond Property - Owner

B. Request: The applicant is requesting approval to operate a childcare facility (58 children) at an existing 9,609 square feet (SF) building, with approximately 3,886 SF (in building area) designated for the childcare use and approximately 3,013 SF for outdoor play area.

C. Location: The subject property is located, at the Northwest corner of Avenue E and W 14th Street, with postal address 1401 Avenue E, identified by parcel control number 56-43-42-33-04-003-0011.

D. Property Description and Uses: The subject property description and uses are as follows:

Parcel Control Numbers: 56-43-42-33-04-003-0011.

Parcel Size: 0.74 acres (affected area)
0.89 acres (overall parcel)

Existing Use: Church / Vacant

Zoning: Downtown General (DG) Zoning District

Future Land Use: Downtown Mixed Use (DMU)

E. Adjacent Property Description and Uses:

North: Downtown Residential (DR), Downtown General (DG) Zoning Districts: residential use

South: DR, DG Zoning Districts: vacant lots, residential and commercial use.



East: DG Zoning District: commercial use.

West: DR Zoning District: residential use

F. Background:

On January 6, 2021, Anthony M. Ziaja, authorized agent for New Beginning Global Outreach Ministry, submitted an application for site plan approval (SP-20-26). The subject property is a 0.89-acre parcel, but only approximately 0.74 acre being the affected area for this application proposal. The most northeastern portions (approximately 0.15-acre) of the lot is not part of this site plan approval (as indicated on the site plan). Therefore, all future improvements (structures, parking, and use) will require site plan review, and cannot be developed as a standalone property, unless a request is made to re-plat the property to ensure compliance with the Land Development Regulations. The proposed use encompasses the operation of a childcare facility (58 children) at an existing 9,609 square feet (SF) building, with approximately 3,886 SF (in building area) designated for the childcare use and approximately 3,013 SF for outdoor play area. The remaining (5,723 SF Building area) portions of the building is currently being used as a place of worship, and its' operations will continue to remain, as shown on the site plan. Pursuant to the Applicant's justification statement, the church operates on Sunday mornings, between the hours of 10:00 am and 11:30 am; and again on Thursday nights from 6:30 pm to 9:30 pm, and the daycare facility will operate only on weekdays, Monday thru Friday, between the hours of 7:00 am and 5:30 pm. Thus, the proposed daycare and the existing church schedules will not overlap to help alleviate potential traffic and parking impact of both use.

This site plan application if approved by Council will cause this site plan to be the controlling document to remain on record and must be adhere to or amended for any future redevelopment in accordance with the Land Development Regulations.

The site plan application for the subject property is scheduled to be heard by the Planning and Zoning Board on Thursday, June 10, 2021 at 06:30 P.M.

G. Staff Analysis:

Proposed Use: The proposed use is a childcare facility for a maximum of fifty-eight (58) children total.

Zoning Regulations: The Downtown General (DG) Zoning District highlights the requirements for developments / redevelopment within the District. The proposed use will not modify or expand the footprint of the existing building envelope. Thus, will not have any additional impact on existing setbacks.

Separation requirement: the subject property (proposed childcare facility) is located a minimum of 500 feet from other childcare facilities, and is at least 500 feet away from any package store, bar, nightclub, or adult entertainment establishment.

Minimum floor area: the proposed childcare facility complies with the minimum required floor area per child (35 SF per child).

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Outdoor play area: adequate screening is provided surrounding the outdoor play area (playground) as shown on the site plan. Since the proposed childcare facility consist of 30 students or more, the Applicant is proposing a split shift basis in order to comply with the minimum required outdoor play area per child (please refer to the Applicant's justification statement for more details).

Comprehensive Plan: The proposal is consistent with the City's Comprehensive Plan and the Future Land Use Element.

Uses: The proposed use is a permitted use per the Downtown General Zoning District code section 31-536 (b) (2) – Use Regulations.

Levels of Service: Customary services such as water, sewer, roads and garbage collection are available to the site.

Landscaping: The Applicant is proposing to improve the property with new Landscaping according to the landscape plan, to be consistent with the City's landscape code requirements. The landscape plan has been reviewed and is generally sufficient. A landscape bond will be required for 110% of the cost of the improvements to be submitted prior to the issuance of a certificate of use.

Parking/Traffic: Parking calculations has been reviewed as part of the Site Plan application in accordance to the parking section of the Zoning Code. The site plan shows a total of thirty-one (31) parking spaces proposed, where 30 spaces required by the strict application of the code considering both the church and childcare facility uses. The Applicant is proposing one Ingress / egress access point along the southern property line adjacent to W 14th Street.

The Applicant must provide the TPS approval letter from Palm Beach County, prior to approval by the City Council.

H. Recommendation:

Staff recommends approval of the subject application (SP-20-26) to operate a childcare facility at an existing 9,609 square feet (SF) building, with approximately 3,886 SF (in building area) designated for the childcare use and approximately 3,013 SF for outdoor play area, located, at the Northwest corner of Avenue E and W 14th Street, with postal address 1401 Avenue E, identified by parcel control number 56-43-42-33-04-003-0011, with the following conditions of approval:

1. A two-year landscaping performance bond for 110% of the value of landscaping and irrigation shall be required before a Certificate of Occupancy or Certificate of Completion is issued.
2. Construction and landscaping improvements must be initiated within 18 months of the effective date of this Resolution in accordance with Section 31-60(b), of the City Code of Ordinances. Demolition, site preparation and/or land clearing shall not be considered construction. Building permit application and associated plans and documents shall be submitted in its entirety and shall not be accepted by City staff in a partial or incomplete manner.

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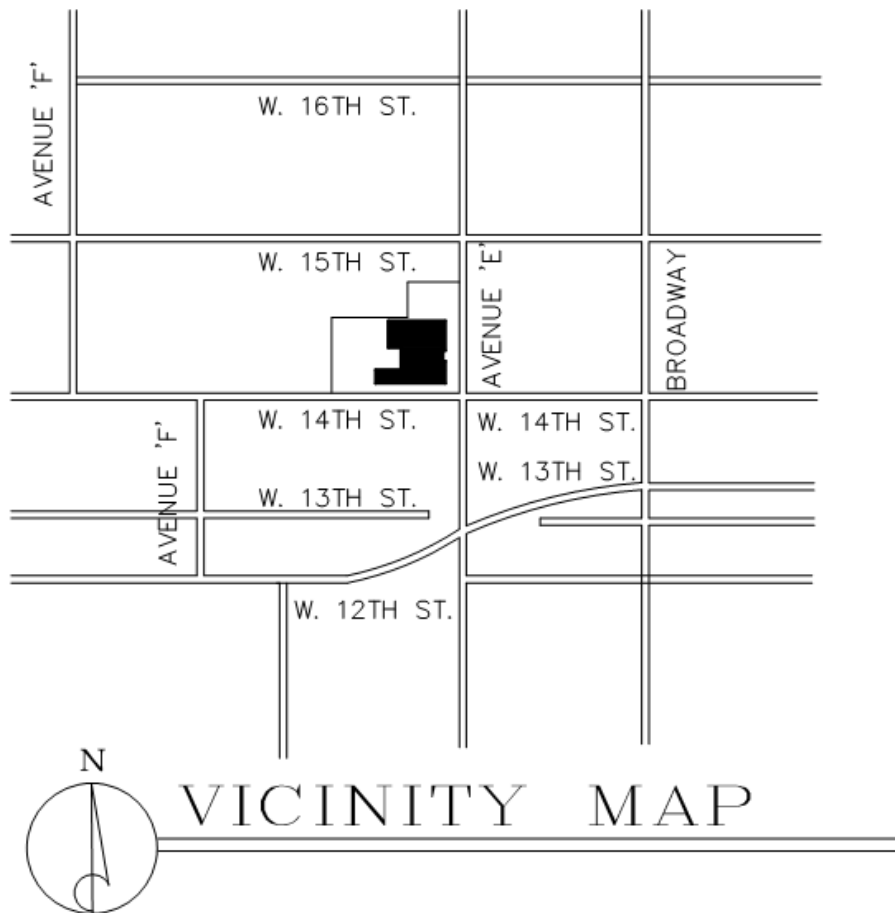


3. City council authorizes City staff to approve future amendments to this site plan administratively so long as the site plan does not deviate greater than 5% from the originally approved site plan.
4. This development must receive final Certificate of Occupancy from the City for all uses approved within five years of the approval of the adopting resolution or the adopting resolution shall be considered null and void, requiring the applicant to resubmit application for site plan and special exception approval and re-initiate the site plan approval process.
5. All future advertising must state that the development is located in the City of Riviera Beach. Fees and penalties in accordance with City Code Sec. 31-554 will be levied against the property owner and/or business for violation of this condition.
6. Once approved, this resolution shall supersede any previous site plan approval resolutions associated with this property, causing previous site plan approval resolutions to be null and void.
7. The most northeastern portions (approximately 0.15-acre) of the lot is not part of this site plan approval (as indicated on the site plan). Therefore, all future improvements (structures, parking, and use) will require site plan review, and cannot be developed as a standalone property, unless a request is made to re-plat the property to ensure compliance with the Land Development Regulations.

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Location Map (N.T.S.)



Legal Description: (pursuant to the applicant)

Lot 22 thru 26, and the south 64 feet of lots 1 and 2, all in block 3, Inlet Grove, according to the plat thereof, as recorded in Plat Book 8, page 14, of the records of Palm Beach County, Florida.

"The Best Waterfront City in Which to Live, Work And Play."



RESOLUTION NO. 84-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING SITE PLAN APPLICATION (SP-20-26) FROM SALT POND PROPERTY, TO OPERATE A CHILD CARE FACILITY (58 CHILDREN) OCCUPYING PORTIONS OF AN EXISTING 9,609 SQUARE FEET (SF) BUILDING, WITH APPROXIMATELY 3,886 SF IN BUILDING AREA DESIGNATED FOR THE CHILD CARE USE AND APPROXIMATELY 3,013 SF DESIGNATED FOR OUTDOOR PLAY AREA, ON A 0.89-ACRE PARCEL OF LAND, LOCATED ON THE NORTHWEST CORNER OF AVENUE E AND W. 14TH STREET, WITH POSTAL ADDRESS 1401 AVENUE E, IDENTIFIED BY PARCEL CONTROL NUMBER 56-43-42-33-04-003-0011, HAVING A DOWNTOWN MIXED USE (DMU) FUTURE LAND USE DESIGNATION AND A DOWNTOWN GENERAL (DG) ZONING DESIGNATION, PROVIDING FOR CONDITIONS OF APPROVAL, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 31-59 of the City of Riviera Beach Code of Ordinances establishes the requirements for Site Plan review by the City Council; and

WHEREAS, the proposed site plan (SP-20-26) is consistent with the City's Comprehensive Plan and the Downtown Mixed Use Future Land Use Category; and

WHEREAS, Applicant, Salt Pond Property, has applied for site plan approval (SP-20-26) associated with approximately 0.74-acre being the affected area of the total 0.89-acre parcel of the subject property located at the Northwest corner of Avenue E and W 14th Street, with postal address 1401 Avenue E, identified by parcel control number 56-43-42-33-04-003-0011; and

WHEREAS on June 10, 2021, the Planning and Zoning Board, an advisory board to the City Council, reviewed the site plan application (SP-20-26) and City staff report, which included the site plan application, plans, and staff comments, and unanimously recommended approval; and

WHEREAS, City staff and the City Council find that the proposed site plan is consistent with the City's Comprehensive Plan and the City's Code of Ordinances; and

WHEREAS, the City Council of the City of Riviera Beach desires to approve this site plan application (SP-20-26).

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

SECTION 1. The City Council finds that the site plan application (SP-20-26) from Salt Pond Property, to operate a child care facility (58 children) occupying portions of an existing 9,609 square feet (SF) building, with approximately 3,886 SF in building area designated for the child care use and approximately 3,013 SF designated for outdoor play area, on a 0.89-acre parcel of land, located on the northwest corner of Avenue E and W. 14th Street, with postal

RESOLUTION No. 84-21

PAGE 3 of 3

address 1401 Avenue E, identified by parcel control number 56-43-42-33-04-003-0011, is consistent with the City's Comprehensive Plan and the City's Code of Ordinances.

SECTION 2. The City Council approves this site plan application (SP-20-26) with the following conditions of approval:

1. A two-year landscaping performance bond for 110% of the value of landscaping and irrigation shall be required before a Certificate of Occupancy or Certificate of Completion is issued.
2. Construction and landscaping improvements must be initiated within 18 months of the effective date of this Resolution in accordance with Section 31-60(b), of the City Code of Ordinances. Demolition, site preparation and/or land clearing shall not be considered construction. Building permit application and associated plans and documents shall be submitted in its entirety and shall not be accepted by City staff in a partial or incomplete manner.
3. City Council authorizes City staff to approve future amendments to this site plan administratively so long as the site plan does not deviate greater than 5% from the originally approved site plan.
4. This development must receive final Certificate of Occupancy from the City for all buildings approved within five years of the approval of the adopting resolution or the adopting resolution shall be considered null and void, requiring the applicant to resubmit application for site plan and special exception approval and re-initiate the site plan approval process.
5. All future advertising must state that the development is located in the City of Riviera Beach. Fees and penalties in accordance with City Code Sec. 31-554 will be levied against the property owner and/or business for violation of this condition.
6. Once approved, this Resolution shall supersede any previous site plan approval resolutions associated with this property, causing previous site plan approval resolutions to be null and void.

SECTION 3. The associated Site Plan, and Landscape Plan are attached hereto and made a part of this Resolution as Exhibit 'A', Exhibit 'B'.

SECTION 4. Should any one or more of the provisions or elements of this Resolution be held invalid, such provision or element shall be null and void, and shall be deemed separate from the remaining provisions or elements and shall in no way affect the validity of any of the remaining provisions or elements of this Resolution.

SECTION 5. This Resolution shall take effect upon its passage and approval by City Council.

PASSED and APPROVED this ____ day of _____, 2021.

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

DOUGLAS D. LAWSON
COUNCILPERSON

JULIA A. BOTEL, Ed. D.
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY: _____

K. MILLER-ANDERSON: _____

S. LANIER: _____

J. BOTEL: _____

D. LAWSON: _____

REVIEWED AS TO LEGAL SUFFICIENCY

DAWN S. WYNN, CITY ATTORNEY

DATE: _____

John M. Nossal, Architect

Florida

26 May 2021

City of Riviera Beach - Development Services

600 W. Blue Heron Blvd. Riviera Beach Florida 33404

Re: New Beginnings, 1401 Avenue 'E', Riviera Beach, Florida

JUSTIFICATION

1. The previous full time tenant at this facility was the Riviera Beach Police Department. In 2018, the current tenant leased the property, permitted and made numerous repairs and modifications to a portion of the interior space, to create a place of worship. No modifications to the exterior were made, or are anticipated. This portion of the building consists of meeting rooms, offices, a waiting area, a foyer, a break room, a lunch room, plus men's and women's toilet rooms. The church operates on Sunday mornings, between the hours of 10:00 am and 11:30 am; and again on Thursday nights from 6:30 pm to 9:30 pm.
2. The remaining portion of the building is to be used as a daycare facility. The total square footage of this building is 9,609 square feet. This daycare area will encompass 3,886.3 square feet (40.44%) of the entire building. The daycare facility will operate only on weekdays, Monday thru Friday, between the hours of 7:00 am and 5:30 pm.
3. The scheduling of this facility is such that the place of worship meets only on Sundays. This is the time when the most traffic will occur. The daycare area would be utilized Monday thru Friday only, and not on the weekends. The times of usage will be most conducive to the average daily schedule of the neighboring residence.
4. Being in a residential community, this facility will serve the local parents with small children by requiring shorter drive time for morning drop-offs and afternoon pick-ups. A traffic impact study was prepared, and the "Insignificant Traffic Impact Statement" is herewith attached.
5. The property owner has given their consent to the proposed usage of this facility.

6. Zoning Table

	Exist Use	Future Use
North	Downtown Residential Downtown General	Downtown Mixed Use Downtown Mixed Use
East	Downtown General	Downtown Mixed Use
South	Downtown Residential 15 Downtown General	Multi- Family 20 Downtown Mixed Use
West	Downtown Residential	Multi-Family 20

7. The interior improvements, as required to accommodate the daycare center, have been completed under previous permit. The existing building envelope will not be modified.
8. As per the Health Department, this daycare center was designed for a maximum of fifty-eight children, based on the thirty-five square feet per child requirement. The facility will provide three class rooms. All classes will have a student population of twenty-five students or less. The facility will accommodate up to a maximum of fifty-eight students. Approved signage has been displayed conspicuously by the door, inside the classroom, indicating the maximum child capacity for that room.

Playground Schedule

100 square feet playground area is required per child. Our maximum student capacity will be 58 students. To accommodate all of the children in the playground area at the same time, would require 5800 square feet of playground area. We have a total of 3013.5 square feet available. Thus, the 'Split Shift' method of scheduling will allow us to accommodate a maximum of 30 students on the playground at any time. The total 3013.5 square feet provided playground area exceeds the minimum outdoor play area requirement, being greater than that required for 1/3 of the total enrollment.

The schedule would require three play periods. Class rooms 1&2 (infants) would be combined. One half of that population will be scheduled for the first playground time. The other half will be scheduled for the second playground time. The third playground time will schedule the children over three years of age. **SEC 31-544c(6)(b)**

9. Toilets, lavatories, hand sinks and drinking fountains for the children, have been installed accordingly.
10. Eleven workers will be employed for the care of the children.
11. In order for the church leadership to apply for the required licensing, the site needs to be modified to bring it into compliance with the requirements of the City of Riviera Beach ordinances for a daycare facility. To achieve this, we have prepared a set of permit drawings, representing the playground area for the children. This playground area has an existing chain link fenced-in area that was enlarged to accommodate the student population. **SEC 31-62 g**
12. The site plan represents the organization of parking and the fenced- in trash removal dumpster location. Typical parking spaces are identified as 9'-0" wide by 18'-0" deep. Handicap parking spaces are identified as 12'-0" wide and 18'-0" deep. There are landscaped islands set periodically between the parking spaces for visual softness and appeal. There will be sufficient room in the parking area vehicles to enter and exist in a forward motion. There will be no need for any vehicle to exit the main parking and student drop-off area by means of backing out into traffic. The eleven parking spaces along the east property line were original approved and permitted by the municipality, and used extensively by the previous tenant, the Riviera Beach Police Department. These parking spaces will remain. This is a pre-existing non-conformity, and is exempt from obligation and liability imposed on others. **SEC 31-62 a,b, c**

13. The new light fixture in the rear parking area does not bleed onto the neighbor's property. Signage will be installed to designate parking for "Student Drop-off and Pick-up - Weekends Only". **SEC 31-62 f**
14. There will be no modifications to the existing civil, utility or storm water drainage systems. **SEC 31-62 d**
15. The proposed landscape layout, with the installation of twenty-three new trees and one hundred thirty-eight hedge plants, meets the intent of the 2020 Florida Statute, Sec. 31-605 Plant Material Standards and Installation Requirements. This new planting will add softness to the property, as well as curb appeal to the neighborhood. There are no palm trees included in this proposal. **SEC 31-62 e**

This action was taken in accordance with the 2017 Florida Building Code, Section 105.1 Permits: Required; and Section 107.1 Submittal Documents: General; as well as Sections 31-61, 31-62 and 31-63 of the Code of Ordinances City of Riviera Beach, Florida.

If you have any questions, please telephone my associate Anthony Ziaja, at 561.624.0395, directly. Respectfully submitted,



AR0006528



February 10, 2021

Bryan G. Kelley, P.E.
Simmons & White, Inc.
2581 Metrocentre Blvd., Suite 3
West Palm Beach, FL 33407

RE: New Beginnings Daycare
Project #: 210202
Traffic Performance Standards Review

Dear Mr. Kelley:

The Palm Beach County Traffic Division has reviewed the **New Beginnings Daycare** Traffic Impact Statement, revised February 8, 2021, pursuant to the Traffic Performance Standards in Article 12 of the Palm Beach County Unified Land Development Code (ULDC). The project is summarized as follows:

Municipality:	Riviera Beach
Location:	NWC of W 14 th Street and Avenue E
PCN:	56-43-42-33-04-003-0011
Access:	As existing <u>(As used in the study and is NOT an approval by the County through this letter)</u>
Existing Uses:	Warehouse = 9,609 SF
Proposed Uses:	Redevelop the site with: Church = 5,273 SF Daycare = 58 Students
New Daily Trips:	138
New Peak Hour Trips:	22 (11/11) AM; 24 (11/13) PM
Build-out:	December 31, 2023

Based on our review, the Traffic Division has determined the proposed development does not have significant peak hour traffic impact (as defined in PBC TPS) on the roadway network and therefore, meets the Traffic Performance Standards of Palm Beach County.

Please note the receipt of a Traffic Performance Standards (TPS) approval letter does not constitute the review and issuance of a Palm Beach County Right-of-Way (R/W) Construction Permit nor does it eliminate any requirements that may be deemed as site related. For work within Palm Beach County R/W, a detailed review of the project will be provided upon submittal for a R/W permit application. The project is required to comply with all Palm Beach County standards and may include R/W dedication.

No building permits are to be issued by the City after the build-out date specified above. The County traffic concurrency approval is subject to the Project Aggregation Rules set forth in the Traffic Performance Standards Ordinance.

The approval letter shall be valid no longer than one year from date of issuance, unless an application for a Site Specific Development Order has been approved, an application for a Site Specific Development Order has been submitted, or the

**Department of Engineering
and Public Works**

P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
FAX: (561) 684-4050
www.pbcgov.com



**Palm Beach County
Board of County
Commissioners**

Dave Kerner, Mayor
Robert S. Weinroth, Vice Mayor
Maria G. Marino
Gregg K. Weiss
Maria Sachs
Melissa McKinlay
Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



Bryan G. Kelley, P.E.
February 10, 2021
Page 2

approval letter has been superseded by another approval letter for the same property.

If you have any questions regarding this determination, please contact me at 561-684-4030 or email QBari@pbcgov.org.

Sincerely,

A handwritten signature in blue ink, which appears to read "Hanane Akif".

Hanane Akif, E.I. on behalf of
Quazi Bari, P.E., PTOE
Manager – Growth Management
Traffic Division

QB:HA:rb

cc: Addressee
Jeff Gagnon, P&Z Administrator, City of Rivera Beach
Hanane Akif, E.I., Project Coordinator II, Traffic Division
Steve Bohovsky, Technical Assistant III, Traffic Division

File: General - TPS - Mun - Traffic Study Review
F:\TRAFFIC\HA\MUNICIPALITIES\APPROVALS\2021\210202 -NEW BEGINNINGS DAYCARE.DOCX

For Staff Use Only

City of Riviera Beach Community Development Department 600 W. Blue Heron Boulevard Riviera Beach, Florida 33404 Phone: (561) 845-4060 Fax : (561) 845-4038	Date:	Case Number:
	Project Title:	
	Fee Paid:	Notices Mailed:
	1 st Hearing:	2 nd Hearing:
	Publication Dates (if required)	

UNIFORM LAND USE APPLICATION

(Please attach separate sheet of paper for required additional information)
Complete appropriate sections of Application and sign.

APPLICANT	Name of Property Owner(s):	SALT POND PROPERTY - ROLFE E. GLOVER - AGENT		
	Mailing Address:	515 E. PARK AVE, UNIT 'B', SAVANNAH, GA 31401		
	Property Address:	1401 AVENUE 'E', RIVIERA BEACH, FLORIDA 33404		
	Name of Applicant (if other than owner):	NEW BEGINNING GLOBAL OUTREACH MINISTRY		
	Home: ()	Work: (561) 676-5481	Fax: ()	
	E-mail Address:	THMPERFUME@AOL.COM		

PLEASE ATTACH LEGAL DESCRIPTION

PROPERTY	Future Land Use Map Designation:	DOWNTOWN MIXED USE DML	Current Zoning Classification:	DG - DOWNTOWN GENERAL
	Square footage of site:	32,250	Property Control Number (PCN):	56 43 42 33 04 003 0001
	Type and gross area of any existing non residential uses on site:	9609 SQ. FT.		
	Gross area of any proposed structure:	NO CHANGE TO EXISTING STRUCTURE		
	Is there a current or recent use of the property that is/was in violation of City Ordinance? [] Yes [X] No			
	If yes, please describe:			
	Have there been any land use applications concerning all or part of this property in the last 18 months? [] Yes [X] No			
	If yes, indicate date, nature and applicant's name:			
	Briefly describe use of adjoining property:	North:	RESIDENTIAL	
		South:	RESIDENTIAL / COMMERCIAL	
	East:	RESIDENTIAL COMMERCIAL		
	West:	RESIDENTIAL		

REZONE	Requested Zoning Classification:	N/A
	Is the requested zoning classification contiguous with existing?	N/A
	Is a Special Exception necessary for your intended use? [X] Yes [] No	
	Is a Variance necessary for your intended use? [] Yes [X] No	



FUTURE LAND USE	Existing Use: <u>Downtown General</u> Proposed Use: <u>Downtown Mixed Use</u>
	Land Use Designation: <u>DG</u> Requested Land Use: <u>DMU</u>
	Adjacent Land Uses: North: <u>DMU</u> South: <u>MF-20 / DMU DMU</u> East: <u>DMU</u> West:
	Size of Property Requesting Land Use Change:

SPECIAL EXCEPTION	Describe the intended use requiring a Special Exception: <u>DAY CARE 58 CHILDREN MAX.</u>
	Provide specific LDR ordinance section number and page number:
	How does intended use meet the standards in the Land Development Code?
	Demonstrate that proposed location and site is appropriate for requested use: <u>SITE IS A STREET CORNER. TRAFFIC WOULD BE MINIMAL. SITE IS CURRENTLY USED AS A CHURCH. DAY CARE WOULD BE USED WEEKDAYS ONLY.</u>
	Demonstrate how site and proposed building(s) have been designed so they are compatible with adjacent uses and neighborhoods: <u>NO CHANGES WILL BE MADE TO THE EXTERIOR ENVELOPE</u>
	Demonstrate any landscaping techniques to visually screen use from adjacent uses: <u>LANDSCAPE IS PROPOSED TO MEET CITY OF RIVIERA BEACH LANDSCAPE CODE</u>
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use: <u>LANDSCAPE WILL ADD CURB APPEAL TO THE NEIGHBORHOOD</u>
	Demonstrate how utilities and other service requirements of the use can be met: <u>THERE WILL BE NO CHANGE TO THE EXISTING UTILITIES AND OTHER SERVICES</u>
	Demonstrate how the impact of traffic generated will be handled: On-site: <u>THERE WILL BE INSIGNIFICANT IMPACT TO TRAFFIC</u> Off-Site: <u>THERE WILL BE INSIGNIFICANT IMPACT TO TRAFFIC</u> Other: <u>SEE TRAFFIC REPORT</u>

VARIANCE	Describe the Variance sought: <u>N/A.</u>
	Demonstrate that the Variance is needed to overcome a hardship caused by the unique physical conditions of the site: <u>N/A</u>
	Specify the minimum Variance requirements including: height, lot area, size of structure, size of yard, setback, buffer or open space: <u>N/A</u>
	Other:

SITE PLAN	Describe proposed development: <u>EXISTING BUILDING AND PARKING AREAS TO REMAIN. SITE WILL BE ENHANCED WITH LANDSCAPING THROUGHOUT. AN ENCLOSURE WILL BE BUILT (FENCING) TO CONCEAL THE DUMPSTER.</u>
	Demonstrate that proposed use is appropriate to site: <u>THE EXISTING FACILITY IS CURRENTLY BEING USED AS A PLACE OF WORSHIP. OCCUPANCY WILL REMAIN ASSEMBLY AND BUSINESS.</u>
	Demonstrate how drainage and paving requirement will be met: <u>THE EXISTING DRAINAGE AND PAVING SYSTEMS WILL REMAIN</u>
	Demonstrate any landscaping techniques to visually screen use from adjacent uses: <u>MANY SPECIES OF TREES ARE SELECTED THAT WILL GIVE THE NEIGHBORS VISUAL PRIVACY</u>
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use: <u>THE CHILDREN WILL BE SUPERVISED AT ALL TIMES. THE PLAY YARD IS COMPLETELY FENCED IN. HOURS OF OPERATION CORRELATE WITH A TYPICAL WORK DAY.</u>
	Demonstrate how utilities and other service requirements of the use can be met: <u>THE EXISTING UTILITIES AND SERVICES WILL REMAIN.</u>
	Demonstrate how the impact of traffic generated will be handled: <u>SIGNIFICANTLY LESS TRAFFIC THAN THE PREVIOUS TENANT. THE POLICE DEPARTMENT. PARKING IS ON SITE</u> On-site: <u>WITH DESIGNATED SPOTS FOR "PICK UP AND DROP OFF"</u> Off-site: <u>TRAFFIC TO THE SITE WILL BE INSIGNIFICANT. SEE ATTACHED "INSIGNIFICANT TRAFFIC IMPACT STATEMENT"</u>

OTHER	COMMUNICATION TOWER CO-LOCATION REQUIREMENTS:
	<ul style="list-style-type: none"> • Three sets of signed and sealed Construction documents, elevations and all equipment shelters, cabinets, Coax, telephone and power conduits identified. These plans will then be used to obtain the Building Permit. • Antenna manufacture cut sheets including antenna size and shape. • Zoning map of area with site clearly marked. • Photos of existing building or tower and surrounding uses. • Letter of non-interference and FCC compliance from applicant's Radio Frequency Professional. • Map of surrounding carrier existing locations in all directions with type i.e. Guyed, Self-Support, Monopole, Rooftop. • Letter of structural capacity and building code compliance. • Notes on plan or letter demonstrating floor area coverage not in excess of restrictions • Provide Photo Enhancements of proposal. • Statement that proposal is in compliance with Environmental Regulations prior to permit issue.

Confirmation of Information Accuracy	
I hereby certify that the information on this application is correct. The information included in this application is for use by the City of Riviera Beach in processing my request. False or misleading information may be punishable by a fine of up to five hundred dollars (\$500.00) and imprisonment of up to thirty (30) days and may result in the summary denial of this application.	
 _____ Signature	REVISED 15 April 2021  _____ Date

AGENT AUTHORIZATION FORM

Owner(s) of Record:

Salt Pond Property

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared

ROSE GLOVER

Managing partner Salt Pond

who, being first duly sworn upon oath and personal knowledge say(s) that they are the owner(s) of record of the following described real property:

1401 Avenue E, Riviera Beach FL

the street address of which is:

and that we hereby appoint:

Name:

ANTHONY M. ZAJA

Address:

4375 DAFFODIL CIRCLE NORTH

PALM BEACH GARDENS, FLA 33410

Telephone:

561-624-0395

as our authorized agent, to file applications and papers with the City of Riviera Beach, and to represent me (us) at any Hearing regarding my (our) interest in improvements

for a daycare facility.

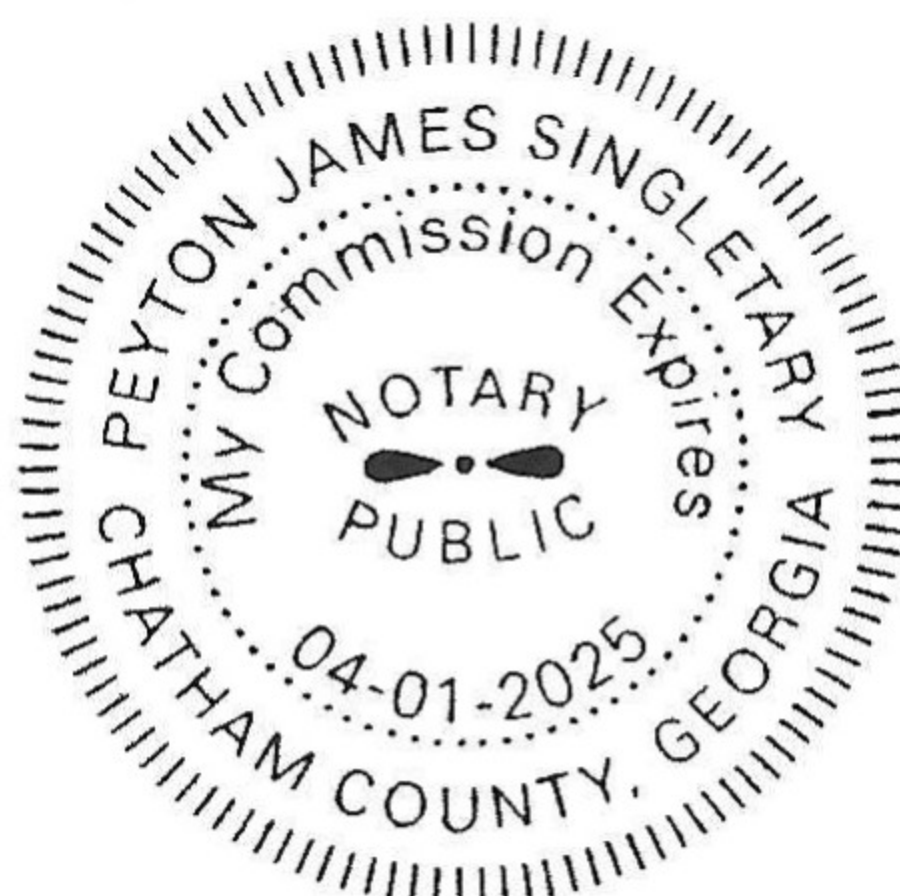
(Seal)

(Seal)

(Seal)

Sworn to and subscribed before me this 2nd day of June, 2021.

[Signature]
Notary Public





"The Best Waterfront City in Which to Live, Work And Play."

CITY OF RIVIERA BEACH

TO: HON. MAYOR, CHAIRPERSON, AND CITY COUNCIL

THROUGH: JONATHAN EVANS, MPA, MBA, ICMA-CM, CITY MANAGER

FROM: CLARENCE SIRMONS, AICP, DIRECTOR OF DEVELOPMENT SERVICES

SUBJECT: **SITE PLAN RESOLUTION FOR APPLICATION SP 20-26 FOR A DAYCARE AT 1401 AVE E**

DATE: AUGUST 18, 2021

CC: GENERAL PUBLIC

Background:

On January 6, 2021, the New Beginning Global Outreach Ministry applicant submitted an application for site plan approval (SP-20-26). The subject property is a 0.89-acre parcel, but only approximately 0.74 acres being the affected area for this application proposal. Therefore, the most northeastern portions (approximately 0.15-acre) of the lot are not part of this site plan approval (as indicated on the site plan). The proposed use encompasses the operation of a childcare facility (58 children) in an existing 9,609 square feet (SF) building, with approximately 3,886 SF (in building area) designated for childcare use and about 3,013 SF for an outdoor play area. The remaining (5,723 SF Building area) portions of the building are currently being used as a place of worship, and its' operations will continue to remain, as shown on the site plan.

Staff conducted an initial review and provided the applicant with comments. Subsequent submittals were reviewed, and all comments were resolved prior to the application's placement on the Planning and Zoning Board Agenda. A detailed staff analysis of this development proposal is included in the backup materials for this agenda item. The site plan application for the subject property was presented to the Planning and Zoning Board (Board) on Thursday, June 10, 2021, and the Board recommended approval. If approved by City Council, this site plan application will cause this site plan to be the controlling document to remain on record and must be adhered to or amended for any future redevelopment in accordance with the Land Development Regulations.

City Goals:

Achieve a Sustainable Economy

Fiscal/Budget Impact:

N/A

Recommendation:

Staff Recommends Approval of this site plan.

Attachments:

1. Site Plan Resolution
2. Site Plan – Exhibit A
3. Landscape Plan –Exhibit B
4. Survey
5. Staff Report
6. Justification Statement
7. TPS Letter
8. Agent Authorization Form
9. Application

CITY OF RIVIERA BEACH CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: 8/18/2021

Agenda Category: CONSENT

Subject: Waste Management Community Benefits Request for \$1,500.00 to Faith Deliverance Church of God, Inc. from the office of Councilman Tradrick McCoy

Recommendation/Motion: Recommendation for City Council to approve \$1,500.00 to Faith Deliverance Church of God Center, Inc.

Originating Dept	Legislative-District 1	Costs	\$1,500.00
User Dept.	Legislative-District 1	Funding Source	District 1 Waste Management Community Benefits Fund
Advertised	No	Budget Account Number	21-2-D1-001
Date			
Paper			
Affected Parties	Not Required		

Background/Summary:

Providing food on a weekly basis to children, seniors and families

Fiscal Years 2021
Capital Expenditures
Operating Costs
External Revenues
Program Income (city)
In-kind Match (city)
Net Fiscal Impact
NO. Additional FTE Positions (cumulative)

III. Review Comments

A. Finance Department Comments:

B. Purchasing/Intergovernmental Relations/Grants Comments:

C. Department Director Review:

Contract Start Date

Contract End Date

Renewal Start Date

Renewal End Date

Number of 12 month terms this renewal

Dollar Amount

Contractor Company Name

Contractor Contact

Contractor Address

Contractor Phone Number

Contractor Email

Type of Contract

Describe

ATTACHMENTS:

File Name	Description	Upload Date	Type
Faith_Deliverance_Church__DOC080621.pdf	Community Benefits Packet	8/9/2021	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
District 1	Monroe, Luecinda	Approved	8/10/2021 - 1:47 PM
Purchasing	Williams, Glendora	Approved	8/10/2021 - 3:52 PM
Finance	sherman, randy	Approved	8/10/2021 - 5:47 PM
Attorney	Wynn, Dawn	Approved	8/10/2021 - 6:28 PM
City Clerk	Robinson, Claudene	Approved	8/11/2021 - 8:02 AM
City Manager	Jacobs, Deirdre	Approved	8/11/2021 - 7:48 PM



Waste Management Community Benefits Request for Donations

The City of Riviera Beach, in conjunction with Waste Management Inc. of Florida, has established a Community Benefits Policy. Under the Policy each elected official shall be entitled to designate funds to support approved public projects for public purposes. Public purposes include, but are not limited to, charitable events, not-for-profit organizational events or programs and City functions or projects (which may include contributions to the City's Scholarship Fund or the City's Housing Trust Fund). All requests for donations must be presented to the City Council and approved by a majority of the City Council. The City will attempt to process all requests within fourteen (14) days of City Council approval.

Ineligible uses include the purchase of tables at events, campaign contributions, or payment for salaries or operational expenses. Funds cannot be used to cover an elected official's travel, meals, or for his or her personal benefit or gain or for the personal gain of relatives as defined by City Code, the Palm Beach County Code of Ethics or State Statutes, as applicable. Funds cannot be given to an entity/agency/organization for which the elected official is a director or officer.

Name of Elected Official Sponsoring Donation: TRADRICK MCCOY - District 1

Legal Name of Organization: FAITH DELIVERANCE Church of God Center, Inc.

Program/ Activity Name: Food Pantry

Requested Amount: \$~~6,300.00~~ \$4,500.00 (mk)

Briefly describe the Program/Activity below and attach (1) letter of request or a more detailed description of the Program/Activity; (2) non-profit paperwork and (3) w-9 IRS form:

Pantry Support. See letter attached with Non-Profit Paperwork and W-9 IRS Form

Mailing Address: P.O. Box 221883

City: WPB State: FL Zip: 33422

Contact Person(s): Diane Lewis

Phone: (561) 758-6636 Fax: (561) 828-6164

Email Address: dLewis1228@gmail.com

Name of Authorized Official: Diane Lewis

Signature of Authorized Official: Diane Lewis Date: 7/30/2021

******Return the form to the Elected Official or the Legislative Office for processing.**

Waste Management Community Benefits Request for Donations Approval by Elected Official

I, Tradrick McCoy, hereby certify that the donation to Faith Deliverance Church of God complies with the City's Community Benefits Policy. I further certify that: (1) I am not an officer, director, partner, proprietor, employee, subcontractor or agent of the organization, its parent organization or subsidiary and I do not have any contractual relationship with or other obligation to the organization, its parent organization or subsidiary; (2) I have no relatives or business associates (as those terms are defined in section 112.312, Florida Statutes) who are officers, directors, partners, proprietors, employees, subcontractors or agents of the organization, its parent organization or subsidiary; (3) The disbursement of the foregoing amount will not inure to my special gain or loss or to the special gain or loss of my relatives or my business associates; and (4) I am not aware of any conflict of interest the disbursement of the foregoing amount to the organization will create for the City of Riviera Beach or myself.

Signature of Elected Official: Tradrick McCoy (mtd) Date: 8-6-21

Amount Approved by Elected Official: \$ 1,500.00

City Council Action

☐ Approved

☐ Disapproved

Chairperson's Signature: _____ Date: _____

Faith Deliverance Church of God Center, Inc.
"Feeding Hope Village"
3437 Avenue O
Riviera Beach, FL 33404
(561) 290-6621 (561) 828-6464 (fax)
Senior Pastor: Bishop Oscar Lewis

July 30, 2021

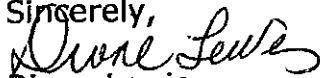
Partner With us!

As demand arises, Faith Deliverance Food Pantry, we believe that no one should go hungry. Every week, we provide food to our Riviera Beach Community to serve our neighbors in need because well-fed communities are better for us all.

Faith Deliverance Food Pantry exists to ensure that the one in seven families at risk of hunger have access to enough healthy and nutritious food to thrive. We know that children without adequate access to food cannot develop successfully, families cannot plan for their future, and seniors find it more difficult to remain independent. We currently serving hundreds of families within the Riviera Beach Community weekly and we need your support to continue to make sure no child goes to bed hungry.

We have enclosed our request for donations for your review and support. We look forward to continue our partnership with the City of Riviera Beach. Thank you for all you are doing for the children and families within our community.

Sincerely,



Diane Lewis
Director

Request for Taxpayer Identification Number and Certification

Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the
requester. Do not
send to the IRS.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

Faith Deliverance Church of God Center Inc

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC ☒ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____
Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ▶ _____

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

3437 Avenue O

6 City, state, and ZIP code

Riviera Beach, FL 33404

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

____ - ____ - ____

or

Employer identification number

2 0 - 5 7 1 6 2 7 3

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign
Here

Signature of
U.S. person

[Signature]

Date ▶ 7/30/2021

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-DIV (dividends, including those from stocks or mutual funds)

- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding*, later.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **JAN 19 2008**

FAITH DELIVERANCE CHURCH OF GOD
CENTER INC
2385 N MILITARY TRAIL
WEST PALM BEACH, FL 33409

Employer Identification Number:
20-5716273
DLN:
17053250311047
Contact Person:
DONNA ELLIOT-MOORE ID# 50304
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(i)
Form 990 Required:
No
Effective Date of Exemption:
October 10, 2006
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

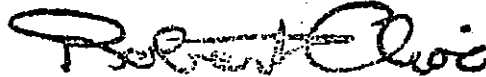
Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Letter 947 (DO/CG)

FAITH DELIVERANCE CHURCH OF GOD

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert Choi". The signature is fluid and cursive, with the first name "Robert" and last name "Choi" clearly distinguishable.

Robert Choi
Director, Exempt Organizations
Rulings and Agreements

Enclosures: Publication 4221-PC

**CITY OF RIVIERA BEACH CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 8/18/2021

Agenda Category: PRESENTATIONS

Subject: PROCLAMATION FROM THE OFFICE OF THE MAYOR DECLARING THE FIRST WEDNESDAY OF SEPTEMBER AS COMMUNITY SERVICE DAY AT FAITH DELIVERANCE CHURCH AND FEEDING HOPE VILLAGE.

Recommendation/Motion: N/A

Originating Dept	MAYOR RONNIE FELDER	Costs	N/A
User Dept.	MAYOR RONNIE FELDER	Funding Source	
Advertised	No	Budget Account Number	
Date			
Paper			
Affected Parties	Not Required		

Background/Summary:

Faith Deliverance Church and Feeding Hope Village believes a thriving residential community is essential for the growth and prosperity of the City of Riviera Beach and an active and effective Community Based Ministry Faith Deliverance Church & Feeding Hope Village is a key component to our City's Faith - Based vibrant business community; and since developing a desire to give back to the Riviera Beach community, Faith Deliverance and Feeding Hope Village volunteers under the leadership of Pastors Oscar & Diane Lewis, has worked tirelessly to support local residents thru a nutritional food pantry, employment skills training, with a scheduled appointment, residents can apply for (Medicare, Medicaid, SNAP and cash assistance), we help them stay connected to available services and resources, assist families with high needs to understand the roles and responsibilities of relevant agencies, transitional housing, homeless prevention, social services and health information. Pastors Oscar and Diane Lewis are now working to serve the community by assisting residents who face homelessness with transitional housing which will be available for rent to a low-income family.

OUR IMPACT IN NUMBERS

NUMBER Towards Self-Sufficiency	Completed
training/skills for employment	123 Obtained employment as a result of services 67
Maintained employment after 90 days	42 Emergency Services Households - prevented
disconnection or restored services	212 Households - prevented eviction 69 Households -
restored water service	112 Households - restored electricity services 31 Households -
assisted with SNAP, Medicare, Cash Assistance	83 Florida KidsCare enrollment
applications. Reduction of Hunger (Pantry is opened one day per week) Wednesday's)	Home-Delivered
Meals	569 Households-UN-DUPLICATED COUNT 1540 Individuals -UN-
DUPLICATED COUNT	5533 Individuals- ASSISTED Annually DUPLICATED
COUNT	27,50

Fiscal Years
Capital Expenditures
Operating Costs
External Revenues
Program Income (city)
In-kind Match (city)
Net Fiscal Impact
NO. Additional FTE Positions
(cumulative)

III. Review Comments

A. Finance Department Comments:

B. Purchasing/Intergovernmental Relations/Grants Comments:

C. Department Director Review:

Contract Start Date

Contract End Date

Renewal Start Date

Renewal End Date

Number of 12 month terms this renewal

Dollar Amount

Contractor Company Name

Contractor Contact

Contractor Address

Contractor Phone Number

Contractor Email

Type of Contract

Describe

REVIEWERS:

Department	Reviewer	Action	Date
Mayor	Monroe, Luecinda	Approved	8/10/2021 - 4:54 PM

CITY OF RIVIERA BEACH CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: 8/18/2021

Agenda Category: PRESENTATIONS

Subject: PRESENTATION BY PALM BEACH COUNTY SUPERVISOR OF ELECTIONS
WENDY SARTORY LINK.

Recommendation/Motion: IF THERE IS A DESIRE TO AGREE PALM BEACH COUNTY
CANVASSING BOARD SERVING AS THE CITY'S
CANVASSING BOARD DURING ITS ELECTIONS, DIRECT
STAFF TO COMPOSE/INSERT SAME INTO THE
ORDINANCE SUBMITTED BY THE OFFICE OF THE CITY
CLERK.

Originating Dept	OFFICE OF THE CITY CLERK	Costs
User Dept.	OFFICE OF THE CITY CLERK	Funding Source
Advertised	No	Budget Account Number
Date		
Paper		
Affected Parties	Not Required	

Background/Summary:

THE OFFICE OF THE CITY CLERK PREVIOUSLY SUBMITTED AN ORDINANCE PERTAINING TO THE MAKEUP OF THE CITY'S CANVASSING BOARD.

AS PART OF THE BACKUP INFORMATION, COMMUNICATION WAS PROVIDED FROM THE PBCSOE OFFICE PROFFERING THE COUNTY CANVASSING BOARD SERVING AS THE CITY'S CANVASSING BOARD FOR ITS ELECTIONS.

PBCSOE WENDY SARTORY LINK IS PRESENTING HER PURPOSE FOR MAKING THIS SUGGESTION AND TO ANSWER ANY QUESTIONS THE ELECTED OFFICIALS MAY HAVE CONCERNING THIS MATTER OR ANY INFORMATION CONTAINED IN HER COMMUNICATION.

Fiscal Years

Capital Expenditures

Operating Costs

External Revenues

Program Income (city)

In-kind Match (city)
Net Fiscal Impact
NO. Additional FTE Positions
(cumulative)

III. Review Comments

A. Finance Department Comments:

B. Purchasing/Intergovernmental Relations/Grants Comments:

C. Department Director Review:

Contract Start Date

Contract End Date

Renewal Start Date

Renewal End Date

Number of 12 month terms this renewal

Dollar Amount

Contractor Company Name

Contractor Contact

Contractor Address

Contractor Phone Number

Contractor Email

Type of Contract

Describe

ATTACHMENTS:

File Name	Description	Upload Date	Type
PRESENTATION_BY_PBCSOE.docx	COVER MEMO	8/4/2021	Cover Memo
COMMUNICATION_FROM_SOE.pdf	COMMUNICATION FROM PBCSOE	8/4/2021	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Robinson, Claudene	Approved	8/4/2021 - 1:43 PM
Purchasing	Williams, Glendora	Approved	8/4/2021 - 2:09 PM
Finance	sherman, randy	Approved	8/9/2021 - 2:06 PM
Attorney	Busby, Lina	Approved	8/10/2021 - 3:43 PM
City Clerk	Robinson, Claudene	Approved	8/10/2021 - 4:47 PM
City Manager	Jacobs, Deirdre	Approved	8/11/2021 - 7:49 PM



"The Best Waterfront City in Which to Live, Work And Play."

CITY OF RIVIERA BEACH

TO: HON. MAYOR, CHAIRPERSON, AND CITY COUNCIL

THROUGH: JONATHAN EVANS, CITY MANAGER, MPA, MBA, ICMA-CM

FROM: CLAUDENE L. ANTHONY, CMC, CITY CLERK

SUBJECT: COUNTY CANVASSING BOARD SERVING AS THE CANVASSING BOARD FOR MUNICIPAL ELECTIONS

DATE: AUGUST 18, 2021

CC: GENERAL PUBLIC

Background:

The Palm Beach County Supervisor of Elections, in the attached communication, has proffered the County Canvassing Board serving as the Canvassing Board for all Municipal Elections.

Mrs. Wendy Sartory Link, Palm Beach County Supervisor of Elections, is present to discuss this request with the City Council.

City Goals:

The Citywide goal is to provide proficient and professional customer service in addition to providing options available to municipalities throughout Palm Beach County.

Fiscal/Budget Impact:

There is no additional fiscal impact as the expenditure for services provided by PBCSOE is included in the budget.

Recommendation:

There is no recommendation from staff.

Attachments:

Communication from Wendy Sartory Link.



Dear Municipal Clerks, Commissions, and Councils,

Congratulations to those of you who participated in a successful 2021 election cycle! The recent March Elections demonstrated the municipalities' commitment to democracy and to the voters of Palm Beach County. We were honored to work with you.

The Palm Beach County Supervisor of Elections office (SOE) is committed to facilitating secure, transparent, and accurate elections. To that end, due to updates in Florida Law in recent years, we have determined that certain changes in municipal charters and ordinances are necessary to ensure the efficient and cost-effective administration of future elections.

Qualifying Dates

To accommodate statutory vote-by-mail requirements, the SOE strongly recommends that each municipality who has not already done so amend its qualifying period so that its qualifying period ends on or before the 95th day before Election Day.

For example, qualifying for the March 8, 2022 election would end no later than Friday, December 3, 2021, allowing the SOE staff to program the necessary elections, create and proofread the ballot language, submit ballot templates to participating municipalities for approval, print vote-by-mail ballots, and prepare those ballots for mailing. We mail the military and overseas ballots 45 days before the election.

Failure to amend the qualifying period may result in the inability of the SOE to accommodate the elections of those municipalities. Our system does not allow us to "close" or move forward one city at a time, so any delay by one municipality results in our inability to move forward with the others.

Runoff Elections

While many municipalities no longer hold runoff elections, several still maintain provisions requiring a majority vote to win an election. Many municipalities have mentioned to us that the runoff elections are detrimental to their budgets because often the municipality has not budgeted for that expense. With so few holding runoff elections, the municipality does not benefit from the same degree of cost sharing as a Uniform Municipal Election that is held simultaneously with other municipalities. The county does not fund the municipal elections.

Please understand that we are happy to hold runoff elections, but are cognizant of the cost burden it places on municipalities. If you determine that you no longer wish to have runoff elections, please revise your charters or ordinances accordingly.



Wendy Sartory Link
Palm Beach County Supervisor of Elections
www.pbcelections.org

Polling Locations

It has come to our attention that some charters include provisions requiring specific polling locations or specifying that polling locations be within city or town limits. While this may not present an issue for stand-alone elections, when municipalities wish to participate in uniform or countywide elections, this becomes logistically problematic and expensive, if not impossible. The SOE urges municipalities to remove any provisions to this effect, as it will be impossible to guarantee specific polling locations in future elections if the municipality is joining a countywide election.

Single Canvassing Board for Uniform Municipal Elections

The final question presented for consideration by the municipalities is the designation of the Palm Beach County Supervisor of Elections as the official Supervisor of each Uniform Municipal Election, such that one single Canvassing Board may be empowered to canvass all of the municipal elections held simultaneously on a given day. The municipal clerks would still be qualifying officers for their municipality's candidates.

This is an optional service, and each municipality can make its own determination as to whether they want to designate the Palm Beach County Supervisor of Elections as the official Supervisor of their election. As required under the Florida election laws, at least one (1) member of the Canvassing Board is required to be present during activities such as the pre-election testing of tabulation equipment (the Logic and Accuracy test), opening, tabulation, duplication, and the canvassing of ballots. A municipality may choose to maintain its own Canvassing Board; however, if they choose to do so, the Supervisor of Elections may elect not to serve as a Canvassing Board member for that municipality.

In some municipalities, an election may be required in order to make these changes. The Secretary of State has called for a Special Primary Election on November 2, 2021, for the U.S. House of Representatives District 20 seat. While this district may not include a municipality that would be required to have an election, we will be happy to accommodate a municipality that wishes to do so. (If the municipality is within Congressional District 20, it would also result in a cost savings to that municipality.) Please let the Supervisor of Elections know by July 15, 2021, whether your municipality plans to participate in the November 2, 2021 election. We will not be able to hold an election outside of this date.



Wendy Sartory Link
Palm Beach County Supervisor of Elections
www.pbcelections.org

Again, congratulations on a successful election season. The Palm Beach County Supervisor of Elections looks forward to many future elections in partnership with our local governments.

Sincerely,

Wendy Sartory Link
Supervisor of Elections Palm Beach County

**CITY OF RIVIERA BEACH CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 8/18/2021

Agenda Category: ORDINANCE ON SECOND READING

Subject: ORDINANCE NO. 4177 PROPOSING THE QUALIFYING DATES FOR MUNICIPAL ELECTIONS BE REVISED AS REQUESTED BY THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS.

Recommendation/Motion: STAFF RECOMMENDS APPROVAL OF THE PROPOSED ORDINANCE NO. 4177 ON SECOND AND FINAL READING.

Originating Dept	OFFICE OF THE CITY CLERK	Costs
User Dept.	OFFICE OF THE CITY CLERK	Funding Source
Advertised	No	Budget Account Number
Date		
Paper		
Affected Parties	Not Required	

Background/Summary:

Staff received the attached communication from the Palm Beach County Supervisor of Elections Office (PBCSOE) requesting the qualifying period for Uniformed Municipal Elections to end on or prior to the 95th day prior to Election Day. An inquiry was submitted to the Palm Beach County Supervisor asking whether the submittal included the required translation of Spanish and the provided translation of Creole – the response was in the affirmative.

It is desirous of the City to accommodate the Palm Beach County Supervisor of Elections' request as a participant in Uniform Municipal Elections. This is advantageous as expenditures, outside of payroll and polling locations, are shared with multiple municipalities participating in Uniform Municipal Election Day. Shared expenditures include but are not limited to any service provided by the PBCSOE.

The next election date is March 8, 2022. According to the current legislation, qualifying period for the 2022 Municipal Election will open at noon on the fourth Tuesday in November and will close at noon on the second Tuesday in December. The last day for qualifying, as a candidate for the 2022 Municipal Election, according to current legislation, is 12 noon, December 14, 2021 which is 84 days (including weekends) or 55 workdays (do not include weekends) prior to March 8, 2022.

The proposed qualifying period, contained in the ordinance, is 112 days (including weekends) or 72 workdays (not including the weekends) prior to the 2022 Municipal Election. Please note, the proposed qualifying period covers future election dates to include Presidential Preference Primaries unless revisions are made by the state, which can be addressed by ordinance.

It was stated during the August 4, 2021 City Council Meeting, there was confusion concerning the information provided by the Office of the City Clerk and what was contained in the communication from PBCSOE Link.

The date contained in the communication, is exactly 95 days prior to March 8, 2022. This does not provide enough time for this office to have ballot language translated into Spanish and Creole prior to timely submission to the Palm Beach County Supervisor of Elections Office. Translation of ballot language is the responsibility of the municipality not the PBCSOE Office.

Although it is not required for the city to accommodate this request, staff is recommending *approval in an effort to reduce any reason* for the entity's inability to assist this organization with its electoral process.

Fiscal Years

Capital Expenditures

Operating Costs

External Revenues

Program Income (city)

In-kind Match (city)

Net Fiscal Impact

NO. Additional FTE Positions
(cumulative)

III. Review Comments

A. Finance Department Comments:

B. Purchasing/Intergovernmental Relations/Grants Comments:

C. Department Director Review:

Contract Start Date

Contract End Date

Renewal Start Date

Renewal End Date

Number of 12 month terms this renewal

Dollar Amount

Contractor Company Name

Contractor Contact

Contractor Address

Contractor Phone Number

Contractor Email

Type of Contract

Describe

ATTACHMENTS:

File Name	Description	Upload Date	Type
COVER_MEMO_FOR_ADOPTION_OF_THE_QUALIFYING_ORDINANCE[1].docx	CC-COVER MEMO FOR ORDINANCE PROPOSING REVISIONS TO THE CITY'S QUALIFYING PERIOD	8/11/2021	Cover Memo
PROPOSE_ELECTION_ORDINANCE_QUALIFYING_(2).doc	CC-PROPOSED ORDINANCE NO 1177	8/11/2021	Ordinance

COMMUNICATION_FROM_SOE.pdf

7/11/

CC-
COMMUNICATION 8/6/2021
FROM PBCSOE

Backup
Material

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Robinson, Claudene	Approved	8/6/2021 - 5:58 PM
Purchasing	Williams, Glendora	Approved	8/9/2021 - 2:22 PM
Finance	sherman, randy	Approved	8/10/2021 - 5:50 PM
Attorney	Busby, Lina	Approved	8/11/2021 - 5:10 PM
City Clerk	Robinson, Claudene	Approved	8/11/2021 - 5:15 PM
City Manager	Jacobs, Deirdre	Approved	8/11/2021 - 7:49 PM



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CITY OF RIVIERA BEACH – MEMORANDUM

TO: HON. MAYOR, CHAIRPERSON, AND CITY COUNCIL

THROUGH: JONATHAN E. EVANS, CITY MANAGER, , MPA, MBA, ICMA-CM

FROM: CLAUDENE L. ANTHONY, CMC, CITY CLERK

SUBJECT: PROPOSED REVISION TO THE QUALIFYING PERIOD

DATE: AUGUST 18, 2021

CC: GENERAL PUBLIC

Background:

Staff received the attached communication from the Palm Beach County Supervisor of Elections Office (PBCSOE) requesting the qualifying period for Uniformed Municipal Elections to end on or prior to the 95th day prior to Election Day. The 95th day prior to the March 8, 2022 ,Municipal Election will be Friday, December 3, 2021.

Over the years, the PBCSOE has participated in the City's Municipal Election processes. This is advantageous because election costs are shared with the multiple municipalities participating in Uniform Municipal Election Day. Shared expenditures include but are not limited to any service provided by the PBCSOE.

According to the City's Code of Ordinance, the qualifying period for the 2022 Municipal Election will open at noon on the fourth Tuesday in November and will close at noon on the second Tuesday in December. The last day for qualifying, as a candidate for the 2022 Municipal Election, according to present code of ordinance provision is 12 noon, December 14, 2021 which is 84 days (including weekends) or 55 workdays (do not include weekends) prior to March 8, 2022.



The qualifying period contained in proposed Ordinance No. 4177 is 112 days (including weekends) or 72 workdays (not including the weekends) prior to the 2022 Municipal Election. Please note the proposed qualifying period covers future election dates to include Presidential Preference Primaries unless revisions are made by the state, which can be addressed by ordinance.

To accommodate the request, staff is requesting the City Council adopt Ordinance No. 4177. The proposed qualifying period enables the Office of the City Clerk to have ballot language translated (Spanish and Creole) and submitted to the Palm Beach County Supervisor of Elections Office in a timely manner. Translation of ballot language is the responsibility of the municipality not the PBCSOE Office.

Although it is not required for the city to accommodate this request, staff is recommending approval in an effort to reduce any reason for the entity's inability to assist this organization with its electoral process.

City Goals:

The Citywide goal is to conduct an election in accordance with Florida Election Laws, the City's Charter, and Chapter 5 of the City's Code of Ordinances as well as work harmoniously with the Palm Beach County Supervisor of Elections Office

Fiscal/Budget Impact:

There is no fiscal impact for the proposed action.

Recommendation:

It is staff's recommendation City Council approve Ordinance No. 4177 on second and final reading accommodating the request of the PBCSOE.

Attachments:

Ordinance No. 4177
Communication Received from PBCSOE



ORDINANCE NO. 4177

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES ENTITLED “ELECTIONS”, SECTION 5-2(a) ENTITLED “FILING AND QUALIFICATION OF CANDIDATES FOR MAYORAL AND COUNCIL”, PROVIDING FOR APPLICABILITY; SEVERABILITY, CODIFICATION, REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Palm Beach County Supervisor of Elections Office (PBCSOE) has submitted communication requesting municipalities change qualifying dates for their election to end on or before the 95th day prior to the scheduled Municipal Election; and

WHEREAS, this request assists the PBCSOE with meeting requirements set forth in Florida Election Laws; and

WHEREAS, it is desirous and advantageous of the City to accommodate this request as part of the Unified Municipal Election process; and

WHEREAS, in an effort to assist the PBCSOE with remaining in compliance with Florida Statutes Section 101.62(4)(a), the qualifying period will be changed for all future municipal elections; and

WHEREAS, the City Council has determined that the enactment of this Ordinance is for a proper municipal purpose.

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

SECTION 1. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

SECTION 2. Chapter 5, of the Code of Ordinances, entitled “Elections”; Section 5-2(a), entitled “Filing and qualification of candidates for mayoral and council”, is hereby amended as follows (additions are underlined and deletions appear in ~~strike through~~ format):

* * *

Sec. 5-2. - Filing and qualification of candidates for mayoral and council.

- ~~(a) Candidates for mayoral and city council shall file such papers and pay such fees as may be required by law, including the filing fee required by City Charter article II, section 3, during the qualifying period with the city clerk no earlier than noon on the fourth Tuesday in November and no later than noon on the second Tuesday in December of the calendar year prior to the year the mayoral or city council election is to be held. The names of all candidates and the offices for which they have filed shall be received by the Palm Beach County Supervisor of Elections from the city clerk by 5:00 p.m. on the first Friday after the close of the above described qualifying period.~~
- (a) Candidates for mayoral and city council shall file such papers and pay such fees as may be required by law, including the filing fee required by City Charter article II, section 3, during the qualifying period with the city clerk no earlier than noon on the first Tuesday in November and no later than noon on the third Tuesday in November of the calendar year prior to the year the mayoral or city council election is to be held. The names of all candidates and the offices for which they have filed shall be received by the Palm Beach County Supervisor of Elections from the city clerk by 5:00 p.m. on the first Friday after the close of the above described qualifying period.

SECTION 3. APPLICABILITY. For purposes of jurisdictional applicability, this Ordinance shall apply to the City of Riviera Beach.

SECTION 4. SEVERABILITY. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. CODIFICATION. That it is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and are made a part of the Code of Ordinances for the City of Riviera Beach; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word, when necessary.

SECTION 6. REPEAL OF LAWS IN CONFLICT. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. EFFECTIVE DATE. That this Ordinance shall be effective immediately upon final adoption and passage on second reading.

ORDINANCE NO. 4177

Page 3 of 4

PASSED AND APPROVED on the first reading this ____ day of _____, 2021.

PASSED AND ADOPTED on second and final reading this ____ day of _____, 2021.

APPROVED:

RONNIE L. FELDER
MAYOR

SHIRLEY D. LANIER
CHAIRPERSON

ATTEST:

KASHAMBA MILLER-ANDERSON
CHAIR PRO TEM

CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK

TRADRICK MCCOY
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY

JULIA A. BOTEL, Ed.D
COUNCILPERSON

DAWN S. WYNN, CITY ATTORNEY

DATE: _____

DOUGLAS A. LAWSON
COUNCILPERSON

1ST READING

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____

2ND & FINAL READING

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____



Dear Municipal Clerks, Commissions, and Councils,

Congratulations to those of you who participated in a successful 2021 election cycle! The recent March Elections demonstrated the municipalities' commitment to democracy and to the voters of Palm Beach County. We were honored to work with you.

The Palm Beach County Supervisor of Elections office (SOE) is committed to facilitating secure, transparent, and accurate elections. To that end, due to updates in Florida Law in recent years, we have determined that certain changes in municipal charters and ordinances are necessary to ensure the efficient and cost-effective administration of future elections.

Qualifying Dates

To accommodate statutory vote-by-mail requirements, the SOE strongly recommends that each municipality who has not already done so amend its qualifying period so that its qualifying period ends on or before the 95th day before Election Day.

For example, qualifying for the March 8, 2022 election would end no later than Friday, December 3, 2021, allowing the SOE staff to program the necessary elections, create and proofread the ballot language, submit ballot templates to participating municipalities for approval, print vote-by-mail ballots, and prepare those ballots for mailing. We mail the military and overseas ballots 45 days before the election.

Failure to amend the qualifying period may result in the inability of the SOE to accommodate the elections of those municipalities. Our system does not allow us to "close" or move forward one city at a time, so any delay by one municipality results in our inability to move forward with the others.

Runoff Elections

While many municipalities no longer hold runoff elections, several still maintain provisions requiring a majority vote to win an election. Many municipalities have mentioned to us that the runoff elections are detrimental to their budgets because often the municipality has not budgeted for that expense. With so few holding runoff elections, the municipality does not benefit from the same degree of cost sharing as a Uniform Municipal Election that is held simultaneously with other municipalities. The county does not fund the municipal elections.

Please understand that we are happy to hold runoff elections, but are cognizant of the cost burden it places on municipalities. If you determine that you no longer wish to have runoff elections, please revise your charters or ordinances accordingly.



Wendy Sartory Link
Palm Beach County Supervisor of Elections
www.pbcelections.org

Polling Locations

It has come to our attention that some charters include provisions requiring specific polling locations or specifying that polling locations be within city or town limits. While this may not present an issue for stand-alone elections, when municipalities wish to participate in uniform or countywide elections, this becomes logistically problematic and expensive, if not impossible. The SOE urges municipalities to remove any provisions to this effect, as it will be impossible to guarantee specific polling locations in future elections if the municipality is joining a countywide election.

Single Canvassing Board for Uniform Municipal Elections

The final question presented for consideration by the municipalities is the designation of the Palm Beach County Supervisor of Elections as the official Supervisor of each Uniform Municipal Election, such that one single Canvassing Board may be empowered to canvass all of the municipal elections held simultaneously on a given day. The municipal clerks would still be qualifying officers for their municipality's candidates.

This is an optional service, and each municipality can make its own determination as to whether they want to designate the Palm Beach County Supervisor of Elections as the official Supervisor of their election. As required under the Florida election laws, at least one (1) member of the Canvassing Board is required to be present during activities such as the pre-election testing of tabulation equipment (the Logic and Accuracy test), opening, tabulation, duplication, and the canvassing of ballots. A municipality may choose to maintain its own Canvassing Board; however, if they choose to do so, the Supervisor of Elections may elect not to serve as a Canvassing Board member for that municipality.

In some municipalities, an election may be required in order to make these changes. The Secretary of State has called for a Special Primary Election on November 2, 2021, for the U.S. House of Representatives District 20 seat. While this district may not include a municipality that would be required to have an election, we will be happy to accommodate a municipality that wishes to do so. (If the municipality is within Congressional District 20, it would also result in a cost savings to that municipality.) Please let the Supervisor of Elections know by July 15, 2021, whether your municipality plans to participate in the November 2, 2021 election. We will not be able to hold an election outside of this date.



Wendy Sartory Link
Palm Beach County Supervisor of Elections
www.pbcelections.org

Again, congratulations on a successful election season. The Palm Beach County Supervisor of Elections looks forward to many future elections in partnership with our local governments.

Sincerely,

Wendy Sartory Link
Supervisor of Elections Palm Beach County

CITY OF RIVIERA BEACH CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: 8/18/2021

Agenda Category: ORDINANCE ON FIRST READING

Subject: Floodplain Management Chapter Update

Recommendation/Motion: Staff recommends approval of this Ordinance.

Originating Dept	Development Services	Costs	NOT APPLICABLE
User Dept.	Citywide	Funding Source	N/A
Advertised	Yes	Budget Account Number	N/A
Date	July 14, 2021		
Paper	Palm Beach Post		
Affected Parties	Not Required		

Background/Summary:

Most homeowner insurance policies do not cover flood damage. The National Flood Insurance Program (NFIP) is managed by the Federal Emergency Management Agency (FEMA) to provide flood insurance to property owners, renters and businesses. Flood insurance is only available to properties located within NFIP participating communities. NFIP participating communities are required to adopt and enforce floodplain management regulations that help mitigate the effects of flooding. The City of Riviera Beach participates in the NFIP and also participates in the NFIP's Community Rating System (CRS).

The CRS program is a voluntary program that provides discounts on flood insurance rates to property owners based upon the community's CRS rating. CRS communities are rated from 1 to 10 based upon floodplain management activities in the community that exceed the NFIP minimums. A 5% discount is given for each point a community is rated below a 10. The City of Riviera Beach ("City") has a current CRS rating of 9 which relates to a 5% discount for properties within the City. There are currently 5,038 flood insurance policies within the city with \$1,547,766 in total annual premiums.

The NFIP has recently established new minimum requirements for communities to qualify for a CRS rating of 8 or better: a community's floodplain management regulations must require that all manufactured homes installed or replaced in a special flood hazard area must be elevated so that the lowest floor is above the base flood elevation plus 1 foot.

The City of Riviera Beach is currently in the CRS recertification process through the Insurance Services Organization (ISO) and must revise our floodplain management regulations in order to improve our CRS rating which will provide greater discounts for property owners within the City. Each point improvement in the City's CRS rating translates to approximately \$66,000.00 in flood insurance premium savings for property owners in Riviera Beach.

Other minor amendments to the floodplain management regulations include amending some definitions

and repealing Exhibit A. "Technical Amendments to the Florida Building Code". The repeal of Exhibit A. is necessary because amendments within the exhibit have become redundant as they are now contained within the new edition of the Florida Building Code.

Fiscal Years

Capital Expenditures

Operating Costs

External Revenues

Program Income (city)

In-kind Match (city)

Net Fiscal Impact

**NO. Additional FTE Positions
(cumulative)**

III. Review Comments

A. Finance Department Comments:

B. Purchasing/Intergovernmental Relations/Grants Comments:

C. Department Director Review:

Contract Start Date

Contract End Date

Renewal Start Date

Renewal End Date

Number of 12 month terms this renewal

Dollar Amount

Contractor Company Name

Contractor Contact

Contractor Address

Contractor Phone Number

Contractor Email

Type of Contract

Describe

ATTACHMENTS:

File Name

Description

**Upload
Date**

Type

Council_Memo_Floodplain_Mgmt.docx

Memo to
Council

8/11/2021

Cover
Memo

Ordinance_Floodplain_Management_DSW_LB_edits.docx	Ordinance	8/11/2021	Other
Chapter_25___FLOODPLAIN_MANAGEMENT__Existing_Code.pdf	Existing Ordinance	7/19/2021	Backup Material
PZB_Staff_Report.pdf	P&Z Board Meeting Staff Report	7/19/2021	Backup Material
NFIP_CRS_Class_8_Freeboard_FAQ_s.pdf	NFIP CRS Class 8 Prerequisites Summary	7/26/2021	Backup Material
SFMO_Guidance.Class_8_Prereq._Model_Language_rev_5.24.21.pdf	FEMA Ordinance Guidance	7/26/2021	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Community Development	Sirmons, Clarence	Approved	7/21/2021 - 1:47 PM
Purchasing	Williams, Glendora	Approved	7/22/2021 - 1:22 PM
Finance	sherman, randy	Approved	7/23/2021 - 8:43 AM
Attorney	Busby, Lina	Approved	8/5/2021 - 9:49 AM
City Clerk	Robinson, Claudene	Approved	8/6/2021 - 5:11 PM
City Manager	Jacobs, Deirdre	Approved	8/11/2021 - 7:50 PM



"The Best Waterfront City in Which to Live, Work and Play."

CITY OF RIVIERA BEACH – MEMORANDUM

TO: HON. MAYOR, CHAIRPERSON AND CITY COUNCIL

THROUGH: JONATHAN EVANS, CITY MANAGER, MPA, MBA. ICMA-CM

FROM: MICHAEL GRIMM, BUILDING OFFICIAL; CLARENCE SIRMONS,
DIRECTOR OF DEVELOPMENT SERVICES, AICP

SUBJECT: **ORDINANCE 4175, AMENDING THE CITY OF RIVIERA BEACH
MUNICIPAL CODE, CHAPTER 25, "FLOODPLAIN MANAGEMENT"**

DATE: JULY 14, 2021

CC: PLANNING AND ZONING BOARD
GENERAL PUBLIC

Background:

Most homeowner insurance policies do not cover flood damage. The National Flood Insurance Program (NFIP) is managed by the Federal Emergency Management Agency (FEMA) to provide flood insurance to property owners, renters and businesses. Flood insurance is only available to properties located within NFIP participating communities. NFIP participating communities are required to adopt and enforce floodplain management regulations that help mitigate the effects of flooding. The City of Riviera Beach participates in the NFIP and also participates in the NFIP's Community Rating System (CRS).

The CRS program is a voluntary program that provides discounts on flood insurance rates to property owners based upon the community's CRS rating. CRS communities are rated from 1 to 10 based upon floodplain management activities in the community that exceed the NFIP minimums. A 5% discount is given for each point a community is rated below a 10. The City of Riviera Beach ("City") has a current CRS rating of 9 which relates to a 5% discount for properties within the City. There are currently 5,038 flood insurance policies within the city with \$1,547,766 in total annual premiums.



The NFIP has recently established new minimum requirements for communities to qualify for a CRS rating of 8 or better: a community's floodplain management regulations must require that all manufactured homes installed or replaced in a special flood hazard area must be elevated so that the lowest floor is above the base flood elevation plus 1 foot.

The City of Riviera Beach is currently in the CRS recertification process through the Insurance Services Organization (ISO) and must revise our floodplain management regulations in order to improve our CRS rating which will provide greater discounts for property owners within the City. Each point improvement in the City's CRS rating translates to approximately \$66,000.00 in flood insurance premium savings for property owners in Riviera Beach.

Other minor amendments to the floodplain management regulations include amending some definitions and repealing Exhibit A. "Technical Amendments to the Florida Building Code". The repeal of Exhibit A. is necessary because amendments within the exhibit have become redundant as they are now contained within the new edition of the Florida Building Code.

Citywide Goal:

Build Great Neighborhoods

Budget/ Fiscal Impact:

N/A

Recommendation(s):

City staff recommends City Council's approval of the attached Ordinance.

Attachment(s):

1. Ordinance 4175
2. Existing Ordinance
3. Planning and Zoning Board Staff Report
4. NFIP CRS Class 8 Prerequisites
5. FEMA Ordinance Guidance

"The Best Waterfront City in Which to Live, Work And Play."



ORDINANCE NO. 4175

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 25 OF THE CITY'S CODE OF ORDINANCES ENTITLED "FLOODPLAIN MANAGEMENT", IN ORDER TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; TO PROVIDE CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; TO REPEAL CHAPTER 25 EXHIBIT A; PROVIDING FOR APPLICABILITY, REPEAL OF LAWS IN CONFLICT, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the City of Riviera Beach participates in the National Flood Insurance Program (NFIP) and participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements, achieving a CRS rating of Class 9; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better and to satisfy the prerequisite; and in order for City of Riviera Beach to achieve a rating of Class 8, all manufactured homes installed or replaced in special flood hazard areas must be elevated such that the lowest floors are at or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

WHEREAS, the City Council determined that it is in the public interest to amend the floodplain management regulations to better protect owners and occupants of manufactured homes and to continue participating in the Community Rating System and to anticipate improving its class rating; and

WHEREAS, the Federal Emergency Management Agency (FEMA) released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

WHEREAS, the City Council has determined it appropriate to adopt regulations that are consistent with the FEMA Policy to allow issuance of permits for wet floodproofed accessory structures that are not larger than the sizes specified in the FEMA Policy.

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

SECTION 1. The foregoing recitals are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

SECTION 2. Chapter 25, Floodplain Management is hereby amended to read as follows:

* * *

CHAPTER 25 – FLOODPLAIN MANAGEMENT

ARTICLE I. ADMINISTRATION

Sec. 25-1. General.

- (1) *Title.* These regulations shall be known as the Floodplain Management Ordinance of City of Riviera Beach hereinafter referred to as "this ordinance."
- (2) *Scope.* The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- (3) *Intent.* The purposes of this ordinance and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
 - a. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 - b. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 - c. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 - d. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 - e. Minimize damage to public and private facilities and utilities;
 - f. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
 - g. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 - h. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

- (4) *Coordination with the Florida Building Code.* This ordinance is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.
- (5) *Warning.* The degree of flood protection required by this ordinance and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.
- (6) *Disclaimer of Liability.* This ordinance shall not create liability on the part of City Council of Riviera Beach or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

Sec. 25-2. Applicability.

- (1) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (2) *Areas to which this ordinance applies.* This ordinance shall apply to all flood hazard areas within the Riviera Beach as established in subsection 25-2(3).
- (3) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas dated October 5, 2017, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Building Department at 600 W Blue Heron Blvd, Riviera Beach, FL 33404.
- (4) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to subsection 25-5 the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
 - a. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.
 - b. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

- (5) *Other laws.* The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.
- (6) *Abrogation and greater restrictions.* This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.
- (7) *Interpretation.* In the interpretation and application of this ordinance, all provisions shall be:
 - a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and
 - c. Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 25-3. Duties and powers of the floodplain administrator.

- (1) *Designation.* The city manager or designee is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.
- (2) *General.* The floodplain administrator is authorized and directed to administer and enforce the provisions of this ordinance. The floodplain administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to subsection 25-7.
- (3) *Applications and permits.* The floodplain administrator, in coordination with other pertinent offices of the community, shall:
 - a. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 - b. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
 - c. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
 - d. Provide available flood elevation and flood hazard information;
 - e. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 - f. Review applications to determine whether proposed development will be reasonably safe from flooding;
 - g. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings,

- structures and facilities exempt from the Florida Building Code, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
- h. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.
- (4) *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
- a. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 - b. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 - c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 - d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this ordinance is required.
- (5) *Modifications of the strict application of the requirements of the Florida Building Code.* The floodplain administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to subsection 25-7.
- (6) *Notices and orders.* The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.
- (7) *Inspections.* The floodplain administrator shall make the required inspections as specified in subsection 25-6 for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- (8) *Other duties of the floodplain administrator.* The floodplain administrator shall have other duties, including but not limited to:

- a. Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to subsection 25-3(4);
 - b. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
 - c. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
 - d. Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code to determine that such certifications and documentations are complete;
 - e. Notify the Federal Emergency Management Agency when the corporate boundaries of Riviera Beach are modified; and
 - f. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."
- (9) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Building Department.

Sec. 25-4. Permits.

- (1) *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s)

and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

- (2) *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- (3) *Buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this ordinance:
 - a. Railroads and ancillary facilities associated with the railroad.
 - b. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
 - c. Temporary buildings or sheds used exclusively for construction purposes.
 - d. Mobile or modular structures used as temporary offices.
 - e. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
 - f. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
 - g. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
 - h. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
 - i. Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.
- (4) *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
 - a. Identify and describe the development to be covered by the permit or approval.

- b. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
 - c. Indicate the use and occupancy for which the proposed development is intended.
 - d. Be accompanied by a site plan or construction documents as specified in subsection 25-5.
 - e. State the valuation of the proposed work.
 - f. Be signed by the applicant or the applicant's authorized agent.
 - g. Give such other data and information as required by the floodplain administrator.
- (5) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.
- (6) *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
- (7) *Suspension or revocation.* The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.
- (8) *Other permits required.* Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
- a. The South Florida Water Management District; section 373.036, F.S.
 - b. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
 - c. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.
 - d. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
 - e. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
 - f. Federal permits and approvals.

Sec. 25-5. Site plans and construction documents.

(1) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

- a. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- b. Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with subsection 25-5(2)b or c.
- c. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection 25-5(2)a.
- d. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
- e. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- f. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- g. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
- h. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
- i. Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

(2) *Information in flood hazard areas without base flood elevations (approximate zone A).* Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

- a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- b. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain

- and use base flood elevation and floodway data available from a federal or state agency or other source.
- c. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - i. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - ii. Specify that the base flood elevation is two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.
 - d. Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.
- (3) *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
- a. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in subsection 25-5(4) and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.
 - b. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as zone AO or zone AH.
 - c. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in subsection 25-5(4).
 - d. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

- (4) *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Sec. 25-6. Inspections.

- (1) *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.
- (2) *Development other than buildings and structures.* The floodplain administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
- (3) *Buildings, structures and facilities exempt from the Florida Building Code.* The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
- (4) *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:
 - a. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
 - b. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with subsection 25-(5)2.b, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- (5) *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in subsection 25-6(4).
- (6) *Manufactured homes.* The floodplain administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the floodplain administrator.

Sec. 25-7. Variances and appeals.

- (1) *General.* The development special magistrate shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section

553.73(5), F.S., the development special magistrate shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

- (2) *Appeals.* The development special magistrate shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision may appeal such decision to the circuit court, as provided by Florida Statutes.
- (3) *Limitations on authority to grant variances.* The development special magistrate shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection 25-7(7), the conditions of issuance set forth in subsection 25-7(8), and the comments and recommendations of the floodplain administrator and the building official. The development special magistrate has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.
- (4) *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in subsection 25-5(3).
- (5) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
- (6) *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of subsection 25-107(4), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- (7) *Considerations for issuance of variances.* In reviewing requests for variances, the Development Special Magistrate shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, and the following:
 - a. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 - d. The importance of the services provided by the proposed development to the community;

- e. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 - f. The compatibility of the proposed development with existing and anticipated development;
 - g. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 - h. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 - i. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- (8) *Conditions for issuance of variances.* Variances shall be issued only upon:
- a. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
 - b. Determination by the development special magistrate that:
 - i. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - ii. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - iii. The variance is the minimum necessary, considering the flood hazard, to afford relief;
 - c. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
 - d. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Sec. 25-8. Violations.

- (1) *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.
- (2) *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this ordinance and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- (3) *Unlawful continuance.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by Chapter 22 of the Code of Ordinances.

Secs. 25-9—25-20. Reserved.

ARTICLE II. DEFINITIONS

Sec. 25-21. General.

- (1) *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.
- (2) *Terms defined in the Florida Building Code.* Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.
- (3) *Terms not defined.* Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.
- (4) *Definitions.*

Accessory structure. A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

Coastal construction control line. The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1—V30, VE, or V.

Critical facility. A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. The term includes facilities that are assigned Risk Category III and Risk Category IV pursuant to the Florida Building Code, Building.

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 202.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before September 22, 1972. Also defined in FBC, B, Section 202.]

~~*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 22, 1972.~~

~~*Expansion to an existing manufactured home park or subdivision.* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) The area within a floodplain subject to a 1 percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

Flood insurance study (FIS). The official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the floodplain manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of

specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, Section 202.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

Letter of map change (LOMC). An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include: ;;p1; *Letter of map amendment (LOMA):* An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of map revision based on fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]

Manufactured home. A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. ~~The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market.~~ The value of buildings and structures, excluding the land and other improvements on the parcel. Market value ~~may be established by a qualified independent appraiser,~~ is the actual cash value (like-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after September 22, 1972 and includes any subsequent improvements to such structures.

~~*New manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 22, 1972.~~

Park trailer. A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

Recreational vehicle. A vehicle, including a park trailer, which is: [See section 320.01, F.S.)

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1—A30, AE, A99, AH, V1—V30, VE or V. [Also defined in FBC, B Section 202.]

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction ~~Permanent construction~~ does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure. [See Instructions and Notes]

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

Secs. 25-22—25-30. Reserved.

ARTICLE III. FLOOD RESISTANT DEVELOPMENT

Sec. 25-31. Buildings and structures.

- (1) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to subsection 25-4(3), buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of subsection 25-37.
- (2) *Buildings and structures seaward of the coastal construction control line.* If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:
 - a. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.
 - b. Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.
- (3) *Critical facilities.* New critical facilities shall, to the extent feasible, be located outside of the special flood hazard area and outside of the 0.2% annual chance flood hazard area (500-year floodplain). If documentation is provided that feasible sites outside of the special flood hazard are not available that satisfy the objectives of a proposed critical facility, then the critical facility shall have the lowest floor elevated to the base flood elevation plus 3 feet. Floodproofing and sealing measures shall ensure that toxic substances will not be displaced or released into floodwater. Access routes that are elevated to or above the base flood elevation shall be provided to the extent feasible ~~feasible~~.
- (4) *Accessory structures.* Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:
 - (1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft. and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
 - (2) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft.
 - (3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.

(4) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.

(5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

Sec. 25-32. Subdivisions.

- (1) *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
 - a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- (2) *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
 - a. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
 - b. Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with subsection 25-5(2)a; and
 - c. Compliance with the site improvement and utilities requirements of subsection 25-33.

Sec. 25-33. Site improvements, utilities and limitations.

- (1) *Minimum requirements.* All proposed new development shall be reviewed to determine that:
 - a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- (2) *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

- (3) *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- (4) *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in subsection 25-5(3)a demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- (5) *Limitations on placement of fill.* Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.
- (6) *Limitations on sites in coastal high hazard areas (zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by subsection 25-5(3)d demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with subsection 25-37(8)c.

Sec. 25-34. Manufactured homes.

- (1) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.
- (2) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
 - a. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this ordinance. ~~Foundations for manufactured homes subject to subsection 25-34(6) are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~
 - b. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this ordinance.
- (3) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

- (4) *Elevation.* All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V). ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with subsection 25-34(5) or (6), as applicable.~~
- ~~(5) *General elevation requirement.* Unless subject to the requirements of subsection 25-34(6), all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).~~
- ~~(6) *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to subsection 25-34(5), including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~
- ~~a. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or~~
 - ~~b. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.~~
- ~~(5) (7) *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.~~
- ~~(6) (8) *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.~~

Sec. 25-35. Recreational vehicles and park trailers.

- (1) *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
- a. Be on the site for fewer than 180 consecutive days; or
 - b. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

- (2) *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in subsection 25-35(1) for temporary placement shall meet the requirements of subsection 25-34 for manufactured homes.

Sec. 25-36. Tanks.

- (1) *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
- (2) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of subsection 25-36(3) shall:
 - a. Be permitted in flood hazard areas (zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
 - b. Not be permitted in coastal high hazard areas (zone V).
- (3) *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
- (4) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:
 - a. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Sec. 25-37. Other development.

- (1) *General requirements for other development.* All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the Florida Building Code, shall:
 - a. Be located and constructed to minimize flood damage;
 - b. Meet the limitations of subsection 25-33(4) if located in a regulated floodway;
 - c. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - d. Be constructed of flood damage-resistant materials; and
 - e. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood

elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

- (2) *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of subsection 25-33(4).
- (3) *Retaining walls, sidewalks and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of subsection 25-33(4).
- (4) *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of subsection 25-33(4). Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of subsection 25-5(3)c.
- (5) *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
 - a. Structurally independent of the foundation system of the building or structure;
 - b. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
 - c. Have a maximum slab thickness of not more than four inches.
- (6) *Decks and patios in coastal high hazard areas (zone V).* In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:
 - a. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
 - b. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
 - c. A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection

that would increase damage to the building or structure or to adjacent buildings and structures.

- d. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.
- (7) *Other development in coastal high hazard areas (zone V).* In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:
- a. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
 - b. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
 - c. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.
- (8) *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:
- a. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
 - b. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
 - c. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

* * *

SECTION 4. Repeal Exhibit A, Technical Amendments to the Florida Building Code “Residential”

* * *

~~EXHIBIT A. TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE,
"RESIDENTIAL"~~

~~**R322.2.1 Elevation requirements.**~~

- ~~1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.~~
- ~~2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.~~
- ~~3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or at least 3 feet if a depth number is not specified.~~
- ~~4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.~~

~~*Exception:* Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.~~

~~**R322.3.2 Elevation requirements.**~~

- ~~1. All buildings and structures erected within coastal high hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.~~
- ~~2. Basement floors that are below grade on all sides are prohibited.~~
- ~~3. The use of fill for structural support is prohibited.~~
- ~~4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.~~

~~*Exception:* Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.~~

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SECTION 3: APPLICABILITY

For purposes of jurisdictional applicability, this Ordinance shall apply to the City of Riviera Beach.

SECTION 4: REPEAL OF LAWS IN CONFLICT

All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 5: SEVERABILITY

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 6: CODIFICATION

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Riviera Beach, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “ordinance” may be changed to “Section”, “Article” or another word.

SECTION 7: EFFECTIVE DATE

The provisions of this Ordinance shall become effective upon final approval and adoption.

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PASSED and APPROVED on first reading this ____ day of _____, 2021.

PASSED and ADOPTED on second and final reading this ____ day of _____, 2021.

APPROVED:

RONNIE L. FELDER
MAYOR

SHIRLEY D. LANIER
CHAIRPERSON

ATTEST:

KASHAMBA MILLER-ANDERSON
CHAIR PRO TEM

CLAUDENE L. ANTHONY,
CERTIFIED MUNICIPAL CLERK
CITY CLERK

TRADRICK MCCOY
COUNCILPERSON

JULIA A. BOTEL, Ed.D.
COUNCILPERSON

DOUGLAS A. LAWSON
COUNCILPERSON

1ST READING

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____

2ND & FINAL READING

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____

Reviewed as to Legal Sufficiency

DAWN S. WYNN
CITY ATTORNEY

DATE: _____

Chapter 25 FLOODPLAIN MANAGEMENT¹

ARTICLE I. ADMINISTRATION

Sec. 25-1. General.

- (1) *Title.* These regulations shall be known as the Floodplain Management Ordinance of City of Riviera Beach hereinafter referred to as "this ordinance."
- (2) *Scope.* The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- (3) *Intent.* The purposes of this ordinance and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
 - a. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 - b. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 - c. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 - d. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 - e. Minimize damage to public and private facilities and utilities;
 - f. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
 - g. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

¹Editor's note(s)—Ord. No. 4088, § 2, adopted Dec. 21, 2016, amended former Ch. 25, arts. I—VII, in its entirety to read as herein set out. Former Ch. 25 pertained to similar subject matter and derived from Ord. No. 2929, § 3, adopted Sept. 18, 2002.

Cross reference(s)—Code enforcement, § 2-311 et seq.; buildings and building regulations, ch. 22; coastal construction, ch. 23; planning, ch. 27; signs, ch. 28; streets and sidewalks, ch. 29; subdivisions, ch. 30; zoning, ch. 31.

State law reference(s)—Authority to promulgate flood prevention regulations, F.S. ch. 166.

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- h. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- (4) *Coordination with the Florida Building Code.* This ordinance is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.
- (5) *Warning.* The degree of flood protection required by this ordinance and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.
- (6) *Disclaimer of Liability.* This ordinance shall not create liability on the part of City Council of Riviera Beach or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

(Ord. No. 4088, § 2, 12-21-16)

Sec. 25-2. Applicability.

- (1) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (2) *Areas to which this ordinance applies.* This ordinance shall apply to all flood hazard areas within the Riviera Beach as established in subsection 25-2(3).
- (3) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas dated October 5, 2017, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Building Department at 600 W Blue Heron Blvd, Riviera Beach, FL 33404.
- (4) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to subsection 25-5 the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
- a. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.
 - b. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.
- (5) *Other laws.* The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

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- (6) *Abrogation and greater restrictions.* This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.
- (7) *Interpretation.* In the interpretation and application of this ordinance, all provisions shall be:
- a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and
 - c. Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 4088, § 2, 12-21-16; Ord. No. 4099, § 2, 9-20-17)

Sec. 25-3. Duties and powers of the floodplain administrator.

- (1) *Designation.* The city manager or designee is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.
- (2) *General.* The floodplain administrator is authorized and directed to administer and enforce the provisions of this ordinance. The floodplain administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to subsection 25-7.
- (3) *Applications and permits.* The floodplain administrator, in coordination with other pertinent offices of the community, shall:
 - a. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 - b. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
 - c. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
 - d. Provide available flood elevation and flood hazard information;
 - e. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 - f. Review applications to determine whether proposed development will be reasonably safe from flooding;
 - g. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
 - h. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

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- (4) *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
- a. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 - b. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 - c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 - d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this ordinance is required.
- (5) *Modifications of the strict application of the requirements of the Florida Building Code.* The floodplain administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to subsection 25-7.
- (6) *Notices and orders.* The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.
- (7) *Inspections.* The floodplain administrator shall make the required inspections as specified in subsection 25-6 for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- (8) *Other duties of the floodplain administrator.* The floodplain administrator shall have other duties, including but not limited to:
- a. Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to subsection 25-3(4);
 - b. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
 - c. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
 - d. Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code to determine that such certifications and documentations are complete;
 - e. Notify the Federal Emergency Management Agency when the corporate boundaries of Riviera Beach are modified; and

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- f. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."
- (9) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Building Department.

(Ord. No. 4088, § 2, 12-21-16)

Sec. 25-4. Permits.

- (1) *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.
- (2) *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- (3) *Buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this ordinance:
- a. Railroads and ancillary facilities associated with the railroad.
 - b. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
 - c. Temporary buildings or sheds used exclusively for construction purposes.
 - d. Mobile or modular structures used as temporary offices.
 - e. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.

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- f. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
 - g. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
 - h. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
 - i. Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.
- (4) *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
- a. Identify and describe the development to be covered by the permit or approval.
 - b. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
 - c. Indicate the use and occupancy for which the proposed development is intended.
 - d. Be accompanied by a site plan or construction documents as specified in subsection 25-5.
 - e. State the valuation of the proposed work.
 - f. Be signed by the applicant or the applicant's authorized agent.
 - g. Give such other data and information as required by the floodplain administrator.
- (5) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.
- (6) *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
- (7) *Suspension or revocation.* The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.
- (8) *Other permits required.* Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
- a. The South Florida Water Management District; section 373.036, F.S.
 - b. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.

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- c. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.
 - d. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
 - e. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
 - f. Federal permits and approvals.

(Ord. No. 4088, § 2, 12-21-16)

Sec. 25-5. Site plans and construction documents.

- (1) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:
- a. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
 - b. Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with subsection 25-5(2)b or c.
 - c. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection 25-5(2)a.
 - d. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
 - e. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
 - f. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
 - g. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
 - h. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
 - i. Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

- (2) *Information in flood hazard areas without base flood elevations (approximate zone A).* Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

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- a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
 - b. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
 - c. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - i. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - ii. Specify that the base flood elevation is two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.
 - d. Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.
- (3) *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
- a. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in subsection 25-5(4) and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.
 - b. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as zone AO or zone AH.
 - c. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in subsection 25-5(4).
 - d. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.
- (4) *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of

Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. No. 4088, § 2, 12-21-16)

Sec. 25-6. Inspections.

- (1) *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.
- (2) *Development other than buildings and structures.* The floodplain administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
- (3) *Buildings, structures and facilities exempt from the Florida Building Code.* The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
- (4) *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:
 - a. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
 - b. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with subsection 25-(5)2.b, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- (5) *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in subsection 25-6(4).
- (6) *Manufactured homes.* The floodplain administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the floodplain administrator.

(Ord. No. 4088, § 2, 12-21-16)

Sec. 25-7. Variances and appeals.

- (1) *General.* The development special magistrate shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the development special magistrate shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

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- (2) *Appeals.* The development special magistrate shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision may appeal such decision to the circuit court, as provided by Florida Statutes.
- (3) *Limitations on authority to grant variances.* The development special magistrate shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection 25-7(7), the conditions of issuance set forth in subsection 25-7(8), and the comments and recommendations of the floodplain administrator and the building official. The development special magistrate has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.
- (4) *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in subsection 25-5(3).
- (5) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
- (6) *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of subsection 25-107(4), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- (7) *Considerations for issuance of variances.* In reviewing requests for variances, the Development Special Magistrate shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, and the following:
- a. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 - d. The importance of the services provided by the proposed development to the community;
 - e. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 - f. The compatibility of the proposed development with existing and anticipated development;
 - g. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 - h. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 - i. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

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- j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- (8) *Conditions for issuance of variances.* Variances shall be issued only upon:
- a. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
 - b. Determination by the development special magistrate that:
 - i. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - ii. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - iii. The variance is the minimum necessary, considering the flood hazard, to afford relief;
 - c. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
 - d. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. 4088, § 2, 12-21-16)

Sec. 25-8. Violations.

- (1) *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.
- (2) *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this ordinance and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- (3) *Unlawful continuance.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by Chapter 22 of the Code of Ordinances.

(Ord. No. 4088, § 2, 12-21-16; Ord. No. 4099, §2, 9-20-17)

Secs. 25-9—25-20. Reserved.

ARTICLE II. DEFINITIONS

Sec. 25-21. General.

- (1) *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.
- (2) *Terms defined in the Florida Building Code.* Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.
- (3) *Terms not defined.* Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.
- (4) *Definitions.*

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

Coastal construction control line. The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1—V30, VE, or V.

Critical facility. A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. The term includes facilities that are assigned Risk Category III and Risk Category IV pursuant to the Florida Building Code, Building.

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 202.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before September 22, 1972. Also defined in FBC, B, Section 202.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 22, 1972.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

Flood insurance study (FIS). The official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the floodplain manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, Section 202.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

Letter of map change (LOMC). An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include: *Letter of map amendment (LOMA):* An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of map revision based on fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]

Manufactured home. A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, actual cash value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after September 22, 1972 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 22, 1972.

Park trailer. A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

Recreational vehicle. A vehicle, including a park trailer, which is: [See section 320.01, F.S.]

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1—A30, AE, A99, AH, V1—V30, VE or V. [Also defined in FBC, B Section 202.]

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure. [See Instructions and Notes]

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

(Ord. No. 4088, § 2, 12-21-16)

Secs. 25-22—25-30. Reserved.

ARTICLE III. FLOOD RESISTANT DEVELOPMENT

Sec. 25-31. Buildings and structures.

- (1) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to subsection 25-4(3), buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of subsection 25-37.

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- (2) *Buildings and structures seaward of the coastal construction control line.* If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:
- a. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.
 - b. Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.
- (3) *Critical facilities.* New critical facilities shall, to the extent feasible, be located outside of the special flood hazard area and outside of the 0.2% annual chance flood hazard area (500-year floodplain). If documentation is provided that feasible sites outside of the special flood hazard are not available that satisfy the objectives of a proposed critical facility, then the critical facility shall have the lowest floor elevated to the base flood elevation plus 3 feet. Floodproofing and sealing measures shall ensure that toxic substances will not be displaced or released into floodwater. Access routes that are elevated to or above the base flood elevation shall be provided to the extent feasible.

(Ord. No. 4088, § 2, 12-21-16)

Sec. 25-32. Subdivisions.

- (1) *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
- a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- (2) *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
- a. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
 - b. Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with subsection 25-5(2)a; and
 - c. Compliance with the site improvement and utilities requirements of subsection 25-33.

(Ord. No. 4088, § 2, 12-21-16)

Sec. 25-33. Site improvements, utilities and limitations.

- (1) *Minimum requirements.* All proposed new development shall be reviewed to determine that:
- a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

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- b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- (2) *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
 - (3) *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
 - (4) *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in subsection 25-5(3)a demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
 - (5) *Limitations on placement of fill.* Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.
 - (6) *Limitations on sites in coastal high hazard areas (zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by subsection 25-5(3)d demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with subsection 25-37(8)c.
- (Ord. No. 4088, § 2, 12-21-16)

Sec. 25-34. Manufactured homes.

- (1) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.
- (2) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
 - a. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this ordinance. Foundations for manufactured homes subject to subsection 25-34(6) are permitted to be reinforced piers or other foundation elements of at least equivalent strength.
 - b. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this ordinance.

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- (3) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
- (4) *Elevation.* Manufactured homes that are placed, replaced, or substantially improved shall comply with subsection 25-34(5) or (6), as applicable.
- (5) *General elevation requirement.* Unless subject to the requirements of subsection 25-34(6), all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).
- (6) *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to subsection 25-34(5), including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:
- a. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or
 - b. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.
- (7) *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.
- (8) *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.

(Ord. No. 4088, § 2, 12-21-16; Ord. No. 4099, § 2, 9-20-17)

Sec. 25-35. Recreational vehicles and park trailers.

- (1) *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
- a. Be on the site for fewer than 180 consecutive days; or
 - b. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
- (2) *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in subsection 25-35(1) for temporary placement shall meet the requirements of subsection 25-34 for manufactured homes.

(Ord. No. 4088, § 2, 12-21-16)

Sec. 25-36. Tanks.

- (1) *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
- (2) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of subsection 25-36(3) shall:
 - a. Be permitted in flood hazard areas (zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
 - b. Not be permitted in coastal high hazard areas (zone V).
- (3) *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
- (4) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:
 - a. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(Ord. No. 4088, § 2, 12-21-16)

Sec. 25-37. Other development.

- (1) *General requirements for other development.* All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the Florida Building Code, shall:
 - a. Be located and constructed to minimize flood damage;
 - b. Meet the limitations of subsection 25-33(4) if located in a regulated floodway;
 - c. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - d. Be constructed of flood damage-resistant materials; and
 - e. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- (2) *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of subsection 25-33(4).

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- (3) *Retaining walls, sidewalks and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of subsection 25-33(4).
- (4) *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of subsection 25-33(4). Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of subsection 25-5(3)c.
- (5) *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
- Structurally independent of the foundation system of the building or structure;
 - Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
 - Have a maximum slab thickness of not more than four inches.
- (6) *Decks and patios in coastal high hazard areas (zone V).* In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:
- A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
 - A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
 - A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
 - A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.
- (7) *Other development in coastal high hazard areas (zone V).* In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

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- a. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
 - b. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
 - c. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.
- (8) *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:
- a. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
 - b. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
 - c. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.
- (Ord. No. 4088, § 2, 12-21-16)

EXHIBIT A. TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE, "RESIDENTIAL"

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or at least 3 feet if a depth number is not specified.
4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

R322.3.2 Elevation requirements.

1. All buildings and structures erected within coastal high-hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of piling, pile caps,

columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

2. Basement floors that are below grade on all sides are prohibited.
3. The use of fill for structural support is prohibited.
4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

Exception: Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

(Ord. No. 4088, § 2, 12-21-16)



**CITY OF RIVIERA BEACH STAFF REPORT
APPLICATION: ORDINANCE 4175
FLOODPLAIN MANAGEMENT**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 25 OF THE CITY'S CODE OF ORDINANCES ENTITLED "FLOODPLAIN MANAGEMENT", IN ORDER TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; TO PROVIDE CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; TO REPEAL CHAPTER 25 EXHIBIT A; PROVIDING FOR APPLICABILITY, CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A. Applicant: City of Riviera Beach

B. Request: The application is a proposed Ordinance to revise Chapter 25, Floodplain Management to update definitions, reduce redundant language, add requirements for the elevation of manufactured homes.

C. Location: N/A

D. Property Description and Uses: N/A

E. Adjacent Property Description and Uses: N/A

F. Background:

The City of Riviera Beach has been reviewing several documents which relate to flooding and development over the past several months. The Development Services Department (Department) is in the process of updating the Coastal Element of the Comprehensive Plan, relative to perils of flooding most specifically. The Federal Emergency Management Agency (FEMA) recently released updated flood risk maps for the community. These maps are not yet adopted.

Most homeowner insurance policies do not cover flood damage. The National Flood Insurance Program (NFIP) is managed by the Federal Emergency Management Agency (FEMA) to provide flood insurance to property owners, renters and businesses. Flood insurance is only available to properties located within NFIP participating communities.



NFIP participating communities are required to adopt and enforce floodplain management regulations that help mitigate the effects of flooding. The City of Riviera Beach participates in the NFIP and also participates in the NFIP's Community Rating System (CRS).

The CRS program is a voluntary program that provides discounts on flood insurance rates to property owners based upon the community's CRS rating. CRS communities are rated from 1 to 10 based upon floodplain management activities in the community that exceed the NFIP minimums. A 5% discount is given for each point a community is rated below a 10. The City of Riviera Beach has a current CRS rating of 9 which relates to a 5% discount for properties within the city. There are currently 5,038 flood insurance policies within the city with \$1,547,766 in total annual premiums.

The NFIP has recently established new minimum requirements for communities to qualify for a CRS rating of 8 or better. Amending a community's floodplain management regulations requiring all manufactured homes installed or replaced in a special flood hazard area must be elevated so that the lowest floor is above the base flood elevation plus 1 foot.

The City of Riviera Beach is currently in the CRS recertification process through the Insurance Services Organization (ISO) and needs to revise our floodplain management regulations in order to improve our CRS rating which will provide greater discounts for property owners within the city. Each point improvement in the city's CRS rating translates to approximately \$66,000.00 in flood insurance premium savings for property owners within the city.

Other minor amendments to the floodplain management regulations include; amending some definitions and repealing Exhibit A. "Technical Amendments to the Florida Building Code". The repeal of Exhibit A. is necessary because amendments within the exhibit have become redundant as they are now contained within the new edition of the Florida Building Code.

G. Staff Analysis:

The Code of Ordinances is intended to guide development in the community. It is also intended to be a document that changes and is amended over time as deemed necessary by the City's leaders. Development Services staff have advanced this proposed amendment to the Land Development Code Chapter 25, Floodplain Management to incorporate the amendments being suggested by the NFIP as part of the CRS ISO process, and also to build in elevation requirements for manufactured homes, eliminate redundant language, and update definitions. The amendment is beneficial to the community as it improves our floodplain management regulations and will help the City earn a lower rating in the CRS program which will result in reduced flood insurance premiums for residents.

H. Recommendation:

Staff recommends approval of the Ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, amending Chapter 25 of the city's Code



of Ordinances entitled “Floodplain Management”, in order to specify elevation of manufactured homes in flood hazard areas; to provide criteria for accessory structures in flood hazard areas; to repeal Chapter 25 Exhibit A; providing for applicability, conflicts, severability and codification; and providing for an effective date.



NFIP's Community Rating System (CRS)

Class 8 Freeboard Prerequisite



Frequently Asked Questions

November 2020

The Community Rating System (CRS) is a voluntary program that provides flood insurance premium discounts to communities that implement programs and measures that exceed the minimum floodplain management requirements of the National Flood Insurance Program (NFIP). The CRS determines discounts based on credit points provided for floodplain management activities. To achieve certain CRS Class ratings, communities must meet certain program prerequisites in addition to obtaining the credit points. In January 2021, the CRS will implement a new Class 8 prerequisite for freeboard for all participating and new CRS communities. Below are some frequently asked questions about the CRS Class 8 freeboard prerequisite. Answers to questions 1–12 were released in July 2020. Questions 13–17 were added in October 2020. Questions 16 and 17 were clarified in November 2020.

A community with additional questions about the prerequisite or the CRS should contact its ISO/CRS Specialist. For a list of ISO/CRS Specialists, see the [CRS Resources website](#). State NFIP Coordinators or FEMA Regional CRS Coordinators can assist with model ordinance or sample regulatory language for freeboard, and other higher regulatory standards. A list of [State NFIP Coordinators](#) can be found here. Contact information for FEMA is available at the [FEMA website](#).

1. What is the new CRS Class 8 freeboard prerequisite?

Section 211 of the 2017 *CRS Coordinator's Manual* will be changed to read:

“In order to be a Class 8 or better . . .

- (1) The community must meet all the Class 9 prerequisites.
- (2) The community must adopt and enforce at least a 1-foot freeboard requirement (including machinery and equipment) for all residential buildings constructed, substantially improved, and/or reconstructed due to substantial damage, throughout its Special Flood Hazard Area (SFHA) where base flood elevations have been determined on the Flood Insurance Rate Map (FIRM) or in the Flood Insurance Study (FIS), except those areas that receive open space credit under Activity 420 (Open Space Preservation).”

2. Why is FEMA making freeboard a Class 8 prerequisite in the CRS?

The goal is to further the flood resiliency of our Nation. FEMA is working to ensure that homes are built to better withstand natural disasters, including floods. The CRS credits community efforts that exceed the minimum floodplain management requirements of the NFIP.

Freeboard—a margin of safety added to the level of the base flood—definitively exceeds those minimum standards. Research shows that higher regulatory standards reduce future flood

damage, and the importance is recognized by over 80% of CRS communities who already require freeboard. With freeboard in place, homes are not only better protected from flood damage, but also flood insurance costs less. The expense of elevating a new home an additional foot often can be recaptured in lower flood insurance premiums over 5 years or less.

3. How will the change in the 2017 CRS Coordinator's Manual be made?

FEMA will issue an addendum to the 2017 *CRS Coordinator's Manual* that will be effective on January 1, 2021. CRS communities and the Insurance Services Office, Inc. (ISO) will continue to use the 2017 *Coordinator's Manual* along with the 2021 Addendum, until such time that FEMA issues a new *Coordinator's Manual*, likely not before 2023.

4. Which CRS communities does the Class 8 freeboard prerequisite affect?

The Class 8 freeboard prerequisite affects Class 5 through Class 8 communities. The prerequisite will not affect Class 9 communities. Communities in Classes 1 through 4 already meet the new freeboard prerequisite.

5. When will the Class 8 freeboard prerequisite be applied to participating CRS communities?

The Class 8 freeboard prerequisite will be required of CRS communities at their first CRS cycle verification visit after January 1, 2021. Ordinance, regulatory, or building code language that meets the Class 8 prerequisite must be adopted, and provisions must be enforced, no later than the first cycle visit after January 1, 2021. However, an earlier date for community enforcement of the Class 8 freeboard prerequisite may be required in a new (2023 or later) *CRS Coordinator's Manual*. This means that communities that are not due for a cycle visit until 2023 or later should not wait to adopt the freeboard requirement.

6. Can a community still join or participate in the CRS without a freeboard requirement?

Yes. Any community that meets the CRS Class 9 prerequisites can apply to join the CRS and become a Class 9 community. Any already-participating CRS community that cannot meet the Class 8 freeboard prerequisite at its first cycle visit after 2021 will change to a Class 9 community (see previous question).

7. Where must a community require at least 1 foot of freeboard?

Communities must enforce the freeboard requirement for all residential buildings that are new, substantially improved, and/or reconstructed due to substantial damage throughout the SFHA where base flood elevations have been determined on the FIRM or in the FIS. This means all “numbered zones” in the SFHA. The CRS will not require freeboard in unnumbered zones within the SFHA.

8. The prerequisite includes all residential buildings. Does this include manufactured homes?

Yes. At least 1 foot of freeboard is required for manufactured homes, including machinery and equipment.

9. If a community adopts the International Code Council codes, will it meet the requirements for the Class 8 freeboard prerequisite?

Yes, provided that the adopted building code includes freeboard for residential buildings and the community is enforcing the freeboard provisions. This includes adopted state building codes that are enforced in the community. The CRS credits other higher standards included in building codes. For example, coastal CRS communities that have adopted and enforce recent building codes and have newer FIRMs often can qualify for Coastal A Zones credit under Activity 430 (Higher Regulatory Standards).

10. Should a community require more than 1 foot of freeboard?

All communities are encouraged to consider adopting additional freeboard. This may mean freeboard in all flood zones. It may mean more than 1 foot of freeboard. It may mean applying the freeboard standard to all building types. Remember, CRS credit is available for the enforcement of freeboard under CRS Activity 430 (Higher Regulatory Standards).

11. Will communities receive CRS credit for the enforcement of freeboard for residential buildings?

Yes. Communities will continue to receive freeboard credit (FRB) under Activity 430 (Higher Regulatory Standards) for enforcing freeboard for residential buildings. Communities that already receive FRB credit will continue to receive FRB credit. The basic FRB credit in the CRS is 100 points. FRB credit is higher when more freeboard is required or when elevation on fill is not allowed. An impact adjustment is applied to FRB credit.

12. What should CRS communities do in light of the Class 8 prerequisite?

Communities that currently enforce freeboard should check their floodplain ordinances and/or building codes to be sure that machinery and equipment are included, that substantially improved buildings are included, and that the provisions are being enforced.

Communities that do not now enforce at least 1 foot of freeboard for all new or substantially improved residential buildings, including machinery and equipment, within numbered zones of the SFHA will need to make changes to their floodplain ordinance and/or building code. Adoption and enforcement of the freeboard must occur before the community's first CRS cycle visit after January 1, 2021.

Answers to questions 13 through 17, below, were provided in October 2020. In November 2020, more information was provided for question 13 and clarifications were made to questions 16 and 17.

13. What residential buildings are included in the Class 8 freeboard requirement?

The Class 8 freeboard prerequisite applies to all residential buildings, whether single-family, multi-family, or manufactured. Note that one goal of the freeboard prerequisite is that all residential buildings benefit from a flood insurance rate based on a building elevation of at least 1 foot above the base flood elevation (BFE+1). For a full definition of "residential," see Appendix L of the NFIP's *Flood Insurance Manual*.

14. Does the Class 8 prerequisite include the replacement of manufactured homes in pre-FIRM manufactured home parks? And can the replaced manufactured home be 48 inches above grade to meet the Class 8 prerequisite?

The Class 8 freeboard prerequisite applies to all manufactured homes. All manufactured homes in numbered zones of the SFHA must have at least 1 foot of freeboard above the base flood elevation. This is consistent with the 2015 and 2018 International Residential Codes. A requirement that the manufactured home be 48 inches above grade is not by itself sufficient to meet the 1-foot freeboard requirement.

15. Are historic buildings subject to the Class 8 freeboard prerequisite?

No, historic structures (as defined in 44 *C.F.R* §59.1) that are allowed an exemption (or variance) as anticipated by 44 *C.F.R* §60.3 for substantial improvements may be exempt (or varied) from the Class 8 prerequisite. For CRS purposes, documentation of the exemption may be requested. A community interested in providing for the treatment of historic structures within its floodplain ordinance should contact its state historic preservation office or the FEMA Regional Office about recommended language.

16. May machinery and equipment be floodproofed instead of elevated to at least 1 foot above base flood elevation to meet the Class 8 freeboard prerequisite?

No. To meet the Class 8 prerequisite the building code or ordinance must require machinery or equipment to be elevated to at least 1 foot above the base flood elevation for buildings newly constructed, substantially improved, and/or reconstructed due to substantial damage. This requirement includes machinery and equipment placed within attached garages and/or within enclosures below elevated buildings, with the exception of utility meters and equipment specifically designed to withstand inundation according to the standards of the International Residential Codes and the NFIP. A community that allows floodproofing around machinery and equipment in lieu of elevation to the freeboard level does not meet the prerequisite.

17. Does the freeboard requirement for Class 8 apply to attached garages?

The Class 8 freeboard prerequisite will be met provided that attached garages and enclosures below elevated buildings meet the minimum requirements of the NFIP (elevated to the base flood elevation or having proper openings). As noted in question 16, all machinery and equipment in attached garages or in enclosures must be elevated to the freeboard level.

Manufactured Homes – floodplain management ordinance changes to remove 36-inch elevation provision for installation in “existing manufactured home parks and subdivisions”

Objective: Modify local floodplain management regulations to require all manufactured homes to be elevated to the base flood elevation plus one foot (or higher in communities that have higher freeboard).

Description: The National Flood Insurance Program regulations (44 CFR Section 60.3) allow manufactured homes that are installed in “existing manufactured home parks or subdivisions” to be elevated on “reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade,” even if that means the lowest floors are below the base flood elevation. However, this option is not available when a manufactured home is substantially damaged by flooding. This provision is known as the “36-inch option.”

The NFIP Community Rating System (CRS) establishes prerequisites for participation in the program and prerequisites to achieve certain classification levels. In 2020 FEMA announced new prerequisites for CRS communities to attain or retain a Class 8 or better. See the 2021 Addendum to the 2017 *CRS Coordinator’s Manual* to learn more about prerequisites: <https://crsresources.org/manual/>. CRS communities that do not satisfy the Class 8 prerequisites can expect to be retrograded to a Class 9.

A CRS Class 8 prerequisite is to adopt and enforce a requirement of at least one foot of freeboard for all residential structures. Starting with the 5th Edition Florida Building Code (FBC), all buildings within the scope of the FBC are required to be elevated or protected to at least BFE plus 1 foot, including one- and two-family dwellings. Nearly 60 Florida communities have adopted local technical amendments to the FBC to require even more additional height above BFE.

DEFINITION: Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before {date the community’s first floodplain management ordinance was adopted}.

It is common to refer to these existing parks and subdivisions as “pre-FIRM,” but that can be misleading when FIRMs are revised.

How the FBC, Residential addresses MFH: The FBC, Residential, Section R322.1.9 Manufactured homes, explicitly states that the applicable provisions of the local floodplain management ordinance apply, in addition to the requirements of the state agency with jurisdiction over the installation of manufactured homes (Florida Department of Highway Safety and Motor Vehicles).

Because installation of manufactured homes is not governed by the FBC, CRS Communities must eliminate the 36-inch option from their ordinances to fully meet the CRS Class 8 prerequisite for at least one foot of freeboard for all residential structures. **Use these instructions to prepare draft amendments to ordinances to eliminate the 36-inch option in existing manufactured home parks and subdivisions and:**

- **EITHER** require the bottom of the frame to be at or above the elevation required in FBC, R322
- **OR** require the lowest floor to be at or above the base flood elevation plus one foot (see Addendum)

See the SFMO's separate instructions to prohibit manufactured homes in flood hazard areas or to state that manufactured homes are not permitted in the community.

Some communities considering eliminating the 36-inch option may need to consider the impacts. On the one hand, it is reasonable that owners and occupants of manufactured homes in existing parks and subdivisions have their property protected higher than the base flood elevation, as are single family homes. On the other hand, requiring full elevation of replacement units in existing manufactured home parks and subdivisions adds additional cost depending on how high the BFE is above grade.

Eliminating the 36-inch option only affects areas where the depth of water for the base flood is deeper than 3 feet (BFE minus grade elevation). One approach to evaluate the impact is described starting on page 12.

Pre-engineered foundations for some flood conditions and some wind speeds are available in FEMA P-85, *Protecting Manufactured Homes from Floods and Other Hazards* https://www.fema.gov/media-library-data/20130726-1502-20490-8377/fema_p85.pdf.

INSTRUCTIONS

1. Be sure you start with the correct model language shown below based on the flood zones on your community's FIRMs:
 - a. If your community has only flood zones that start with "A" (A, AE, A1-30, AO, AH), use the model ordinance that starts on page 4.
 - b. If your community has flood zones that start with "A" and "V," use the model ordinance that starts on page 7.
2. The model ordinance used by Florida communities over the past 8 years has requirements for manufactured homes in *Section 304 Manufactured Homes*. Most communities renumbered the model ordinance sections to fit within their LDC/LDR or code of ordinance numbering scheme. In your community's regulations, identify the correct section number that is titled *Manufactured Homes*.

Please Note! All communities that elect to modify regulations must submit draft ordinances to the SFMO at least 30 days before the first reading.

Please put the community name in the subject line and send to floods@em.myflorida.com.

Or send a request for the SFMO to prepare a draft for you.

3. **Be sure to use YOUR ADOPTED ordinance language as the basis to show the changes.** The language shown below is from the Model Ordinance – your community may have slightly modified it.
4. *Sec. 202 Definitions:*
 - a. Delete the definitions for “existing manufactured home park or subdivision,” “expansion to an existing manufactured home park or subdivision,” and “new manufactured home park or subdivision” because provisions that use those terms are being removed.
 - b. Retain the definition “manufactured home” because the term is used.
 - c. Retain the definition for “manufactured home park or subdivision” because some requirements for subdivisions apply when someone proposes to develop a new park or subdivision in the SFHA.
 - d. Retain the term in the definition “Start of construction.”
5. *Sec. 304 Manufactured homes:* Modify Sec. 304.2 Foundations if the sentence shown struck-thru in the model language below appears (it may not appear in your ordinance).
6. If your community enforces more than one foot of freeboard, that freeboard is already in your local technical amendment to the Florida Building Code, Residential. That means the reference to the elevations that are required in the FBC, Residential includes freeboard, and applies to manufactured homes. You do not need to specify freeboard again in the Manufactured Home section of your floodplain management regulations. However, you may decide to replace the reference to the FBC, Residential with “at or above the base flood elevation plus one (1) foot” (or your freeboard, if higher).
7. **Send your draft to the SFMO at least 30 days before the first reading.** Please put your community name in the subject line and send to floods@em.myflorida.com.

Please Note! Please consider including (or revising) requirements for at-grade accessory structures in the same ordinance you prepare for manufactured homes. The State Floodplain Management Office guidance is consistent with FEMA’s published policy and bulletin: <https://www.floridadisaster.org/dem/mitigation/floodplain/> (Community Resources).

<https://www.floridadisaster.org/dem/mitigation/floodplain/> (Community Rating System, CRS Class 8 Prerequisite (November 2020).
Revised May 24, 2021

COMMUNITIES WITH FLOOD ZONES A/AE ONLY

ORDINANCE NO. _____

AN ORDINANCE BY THE {community's governing body} AMENDING THE {insert appropriate chapter/section numbers} TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in **{Chapter 125 – County Government or Chapter 166 – Municipalities}**, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the **{name of community}** participates in the National Flood Insurance Program and participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements; and

WHEREAS, the **{name of community}** achieved a CRS rating of Class **{insert CRS Class #}**, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

WHEREAS, to satisfy the prerequisite and for **{name of community}** to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated such that the lowest floors are at or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

WHEREAS, the **{community's governing body}** determined that it is in the public interest to amend the floodplain management regulations to better protect owners and occupants of manufactured homes and to continue participating in the Community Rating System at the current class rating.

NOW, THEREFORE, BE IT ORDAINED by the **{community's governing body}** of the **{name of community}** that the **{insert appropriate chapter/section numbers}** is amended as set forth in the following amendments, as shown in strikethrough and underline format in Section 1.

SECTION 1. AMENDMENTS

The {insert appropriate chapter/section numbers}, is hereby amended by the following amendments.

Modify Section 202 Definitions, by deleting the following definitions.

~~**Existing manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before {date the community's first floodplain management ordinance was adopted}.~~

~~**Expansion to an existing manufactured home park or subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

~~**New manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after (date the community's first floodplain management ordinance was adopted).~~

Modify Section 304 Manufactured Homes, as follows:

SECTION 304 MANUFACTURED HOMES

304.1 General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

304.2 Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code Residential* Section R322.2 and this ordinance. ~~Foundations for manufactured homes subject to Section 304.6 of this ordinance are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~

304.3 Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

[See Addendum (page 10) for language to allow elevation of the lowest floor (rather than bottom of the frame) of units in existing manufactured homes parks to be at or above the base flood elevation plus one foot.]

304.4 Elevation. All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A). ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 304.5 or 304.6 of this ordinance, as applicable.~~

~~**304.5 General elevation requirement.** Unless subject to the requirements of Section 304.6 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A).~~

~~304.6 Elevation requirement for certain existing manufactured home parks and subdivisions.~~ Manufactured homes that are not subject to Section 304.5 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- ~~1. Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code, Residential* Section R322.2 (Zone A); or~~
- ~~2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.~~

~~304.5~~ ~~304.7~~ Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 for such enclosed areas.

~~304.6~~ ~~304.8~~ Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322.

SECTION 3. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in **{insert name of community or all unincorporated areas of the county}**. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

SECTION 4. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the **{community's governing body}** that the provisions of this ordinance shall become and be made a part of the **{name of community's}** Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 6. EFFECTIVE DATE.

This ordinance shall take effect on **{insert date}**.

COMMUNITIES WITH FLOOD ZONES A/AE AND V/VE

ORDINANCE NO. _____

AN ORDINANCE BY THE {community's governing body} AMENDING THE {insert appropriate chapter/section numbers} TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in **{Chapter 125 – County Government or Chapter 166 – Municipalities}**, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the **{name of community}** participates in the National Flood Insurance Program and participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements; and

WHEREAS, the **{name of community}** achieved a CRS rating of Class **{insert CRS Class #}**, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, in 2020, the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

WHEREAS, to satisfy the prerequisite and for **{name of community}** to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated such that the lowest floors, or lowest horizontal structural members of the lowest floors, as applicable, are at or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

WHEREAS, the **{community's governing body}** determined that it is in the public interest to amend the floodplain management regulations to better protect owners and occupants of manufactured homes and to continue participating in the Community Rating System at the current class rating.

NOW, THEREFORE, BE IT ORDAINED by the **{community's governing body}** of the **{name of community}** that the **{insert appropriate chapter/section numbers}** is amended as set forth in the following amendments, as shown in strikethrough and underline format in Section 2.

SECTION 1. RECITALS.

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. AMENDMENTS.

The **{insert appropriate chapter/section numbers}**, is hereby amended by the following amendments.

Modify Section 202 Definitions, by deleting the following definitions.

~~**Existing manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before (date the community's first floodplain management ordinance was adopted).~~

~~**Expansion to an existing manufactured home park or subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

~~**New manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after (date the community's first floodplain management ordinance was adopted).~~

Modify Section 304 Manufactured Homes, as follows:

SECTION 304 MANUFACTURED HOMES

304.1 General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

304.2 Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

1. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this ordinance. ~~Foundations for manufactured homes subject to Section 304.6 of this ordinance are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~
2. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and this ordinance.

304.3 Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

[See Addendum (page 10) for language to allow elevation of the lowest floor (rather than bottom of the frame) of units in existing manufactured homes parks to be at or above the base flood elevation plus one foot.]

304.4 Elevation. All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A

Zone). Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 304.5 or 304.6 of this ordinance, as applicable.

~~304.5 General elevation requirement.~~ Unless subject to the requirements of Section 304.6 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V).

~~304.6 Elevation requirement for certain existing manufactured home parks and subdivisions.~~ Manufactured homes that are not subject to Section 304.5 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- ~~(1) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V); or~~
- ~~(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.~~

~~304.5~~ ~~304.7~~ Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

~~304.6~~ ~~304.8~~ Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322, as applicable to the flood hazard area.

SECTION 3. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in **{insert name of community or all unincorporated areas of the county}**. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

SECTION 4. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the **{community's governing body}** that the provisions of this ordinance shall become and be made a part of the **{name of community's}** Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 6. EFFECTIVE DATE.

This ordinance shall take effect on **{insert date}**.

ADDENDUM: To allow elevation of the lowest floor (rather than bottom of the frame) of units in existing manufactured homes parks to be at or above the base flood elevation plus one foot.

1. Do not delete the definitions.
2. The applicant (or installer) must know the depth of the frame and floor system of the unit to be placed in order to determine the height of foundation elements that will result in the lowest floor at or above the required elevation.
3. Communities are reminded of the requirement for utility equipment to be elevated.
4. Some communities may elect another alternative by reducing the level of protection by replacing "bottom of the frame" with "lowest floor" in the model language above.

COMMUNITIES WITH FLOOD ZONES A/AE ONLY

Note: retain this phrase in 304.2 Foundations: "Foundations for manufactured homes subject to Section 304.6 of this ordinance are permitted to be reinforced piers or other foundation elements of at least equivalent strength."

304.4 Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 304.5 or 304.6 of this ordinance, as applicable.

304.5 General elevation requirement. Unless subject to the requirements of Section 304.6 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A).

304.6 Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 304.5 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that the lowest floor is at or above the base flood elevation plus one (1) foot. ~~Either the:~~

- ~~(1) Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code, Residential* Section R322.2 (Zone A); or~~
- ~~(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.~~

304.7 Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 for such enclosed areas.

304.8 Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322.

COMMUNITIES WITH FLOOD ZONES A/AE AND V/VE

Note: retain this phrase in 304.2 Foundations: “Foundations for manufactured homes subject to Section 304.6 of this ordinance are permitted to be reinforced piers or other foundation elements of at least equivalent strength.”

304.4 Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 304.5 or 304.6 of this ordinance, as applicable.

304.5 General elevation requirement. Unless subject to the requirements of Section 304.6 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V).

304.6 Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 304.5 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that ~~either the:~~

(1) The lowest floor is at or above the base flood elevation plus one foot in flood hazard areas other than coastal high hazard areas.

(2) The bottom of frame is at or above the base flood elevation plus one foot in coastal high hazard areas.

~~-(1) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V); or~~

~~-(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.~~

304.7 Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

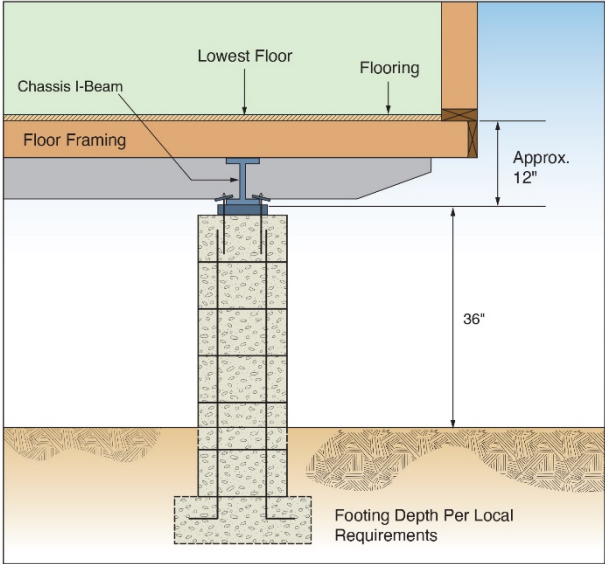
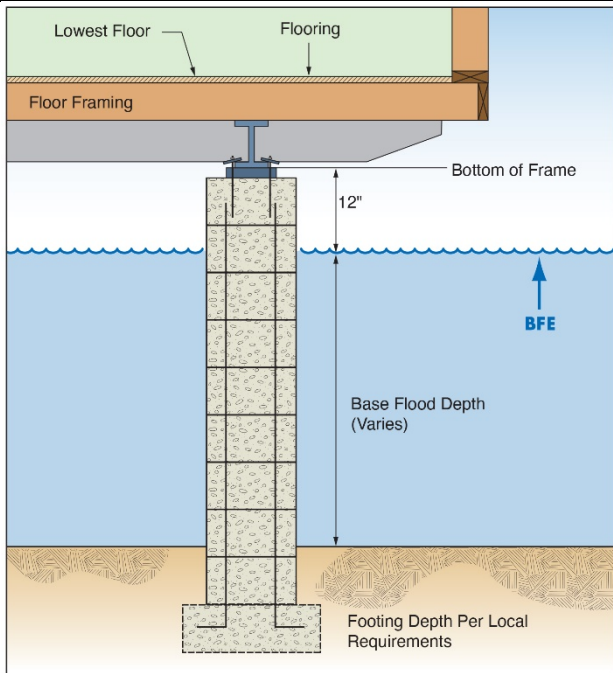
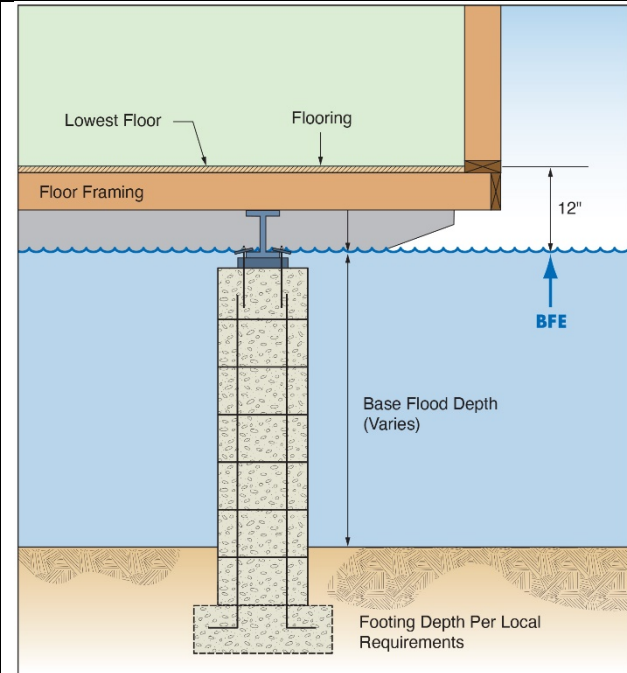
304.8 Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322, as applicable to the flood hazard area.

EVALUATING THE IMPACT OF ELIMINATING THE “36-INCH OPTION”

The State Floodplain Management Office is aware that a number of communities have taken different approaches to evaluate the impact of eliminating the 36-inch option for replacement homes in existing manufactured home parks and subdivisions. See the table below, which refers to figures on the next page. One way to evaluate the impact is to:

1. Identify existing manufactured home parks and subdivisions (as that term is defined, meaning established before the community joined the NFIP).
2. Determine if those existing manufactured home parks and subdivisions have pads or lots in the SFHA.
3. Determine how many pads or lots are in the SFHA.
4. Estimate how many of the pads or lots in the SFHA are affected by base flood depths that are less than, equal to, and greater than 3 feet.

Illustrating Existing Requirement Compared to Full Elevation			
	Figure A illustrates the existing minimum NFIP requirement (foundation elements at least 36 inches above grade).	Figure B illustrates full elevation requirement based on bottom of the frame.	Figure C illustrates full elevation requirement based on lowest floor.
If the base flood depth* is less than 3 feet:	Then the bottom of the frame is always 3 feet above grade (and lowest floor ~ 4 feet above grade)	Then the bottom of the frame is always flood depth plus 1 foot (could be lower than 4 feet above grade).	Then the lowest floor is always flood depth plus 1 foot (could be lower than 4 feet above grade).
If the base flood depth* is equal to 3 feet:	Then the bottom of the frame is approximately 3 feet above grade (i.e., 1 foot freeboard).	Then the bottom of the frame is always flood depth plus 1 foot	Then the lowest floor is always flood depth plus 1 foot
If the base flood depth* is greater than 3 feet:	Then the bottom of the frame is approximately 4 feet above grade and lowest floor is below the BFE where flood depth is greater than 4 feet.	Then the bottom of the frame is always flood depth plus 1 foot.	Then the lowest floor is always flood depth plus 1 foot.
*Base flood depth = BFE minus ground. In unnumbered Zone A, it is the depth determined in accordance with the community's floodplain management regulations.			

Figure A	Figure B	Figure C
<p>Minimum NFIP allows ONLY for replacement units in “existing manufactured home parks and subdivisions” (defined term), except if replacing a unit substantially damaged by flooding.</p>	<p>Elevate the bottom of the frame to the elevation specified in the FBC, Residential (minimum BFE + 1 ft). Some communities modify the FBC, R to require additional freeboard.</p>	<p>Elevate the lowest floor to the base flood elevation + 1 foot. The depth of the frame and floor systems must be known.</p>
<p>Allows replacements units to have the lowest floor below the BFE.</p>	<p>Eliminating the 36-inch option affects ONLY replacements units in “existing manufactured home parks and subdivisions” where the base flood depth is greater than 3 feet. All other units already are required to be fully elevated.</p>	
 <p>Diagram illustrating a manufactured home foundation with a 36-inch elevation. The lowest floor is above the base flood elevation (BFE) by approximately 12 inches. The floor framing is supported by a concrete footing. The total height from the ground to the bottom of the frame is 36 inches.</p>	 <p>Diagram illustrating a manufactured home foundation with a 12-inch elevation. The lowest floor is above the base flood elevation (BFE) by 12 inches. The floor framing is supported by a concrete footing. The total height from the ground to the bottom of the frame is 12 inches.</p>	 <p>Diagram illustrating a manufactured home foundation with a 12-inch elevation. The lowest floor is above the base flood elevation (BFE) by 12 inches. The floor framing is supported by a concrete footing. The total height from the ground to the bottom of the frame is 12 inches.</p>

CITY OF RIVIERA BEACH CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: 8/18/2021

Agenda Category: ORDINANCE ON FIRST READING

Subject: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CITY'S CODE OF ORDINANCES ENTITLED, "ZONING", ARTICLE 1, "IN GENERAL", SECTION 31-1, "DEFINITIONS", BY AMENDING THE DEFINITION OF "HEIGHT OF BUILDING" TO READ "HEIGHT OF BUILDING MEANS THE VERTICAL DISTANCE MEASURED FROM THE MINIMUM REQUIRED FLOOR OR 18 INCHES ABOVE THE CROWN OF THE ROAD TO (A) THE HIGHEST POINT OF A FLAT ROOF; (B) THE DECK LINE OF A MANSARD ROOF; (C) THE AVERAGE HEIGHT BETWEEN EAVES AND RIDGE FOR GABLE, HIP, AND GAMBREL ROOFS; OR (D) THE AVERAGE HEIGHT BETWEEN HIGH AND LOW POINTS FOR A SHED ROOF. PARAPET WALLS INTENDED TO PROVIDE SCREENING FOR ROOFTOP MECHANICALS MAY EXTEND NOT MORE THAN 5 FEET ABOVE THE ALLOWABLE HEIGHT OF A BUILDING."; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Recommendation/Motion: City staff recommends City Council approval.

Originating Dept	Development Services	Costs
User Dept.	City	Funding Source
Advertised	Yes	Budget Account Number N/A
Date	7/27/21; 8/10/21	
Paper	Palm Beach Post	
Affected Parties	Not Required	

Background/Summary:

The City of Riviera Beach has been reviewing several documents which relate to flooding and development over the past several months. The Development Services Department (Department) is in the process of updating the Coastal Element of the Comprehensive Plan, relative to perils of flooding most specifically. The Department also just submitted documentation for the recertification of our participation in the Community Rating System (CRS) program which also relates to flooding and resiliency. The Federal Emergency Management Agency (FEMA) also recently released updated flood risk maps for the community. These maps are not yet adopted. The Department also continues to process building permit applications for new construction as well as redevelopment throughout the City. During the routine evaluation of permits staff realized that the existing definition for height of buildings was actually resulting

in a restriction on development disproportionately affecting areas with a specified base flood elevation (BFE) higher than 18 inches above the crown of the road, and was not responsive to current construction best practices. The reason is that the starting point to measure the height of a building, per the existing code is “the vertical distance measured from the minimum required floor or base flood elevation or 18 inches above the crown of the road, whichever is less, to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof.” In areas with a base flood elevation that is at an elevation higher than 18 inches above the crown of the road the height of a building would be measured starting at 18 inches above the crown of a road but the actual elevation of the first floor would be a minimum of one foot above the base flood elevation. The phrase “whichever is less” may result in a restriction on the developable building height for areas with an established BFE. This proposed amendment also exempts parapet walls intended to screen rooftop mechanical units from the calculation of building height. It is more desirable to have this equipment shielded from view and the presence of walls can muffle any noise generated by the equipment and direct it vertically instead of laterally, and in flood zones putting mechanical units on the rooftops is a best practice. This regulation revision is intended to guide development in a consistent and fair manner and be responsive to the changing conditions of sea level rise, climate change and regulations for development in flood zones. The Code of Ordinances is intended to guide development in the community. It is also intended to be a document that changes and is amended over time as deemed necessary by the City’s leaders. Development Services staff have advanced this proposed amendment to the Land Development Code Chapter 31, Article 1, Section 31-1. Definitions, Building Height for several reasons. First and foremost, the existing definition is outdated. It was adopted 2-2-83 by Ordinance 2179. The definition is not responsive to the perils of flooding faced by the community today. There is a new State Building Code and Flood Map which require a higher minimum floor height for structures at risk of flooding. The Building Code also requires 1’ freeboard above the Base Flood Elevation for the minimum finished floor elevation. These additional elevation requirements are in place to help development be more resilient by requiring the minimum floor elevation to be at least one foot above the base flood elevation, but when combined with the maximum building height requirements in the code the result is a constraint on the development potential of those parcels. In commercial development in general, and particularly in flood prone areas, the mechanicals are being located on rooftops. More and more frequently single family dwellings in flood prone areas are doing the same. Land development codes and best practices typically require those mechanicals to be screened from view to mitigate impacts on abutters and also result in a more pleasing appearance for the structure. For this reason the proposed language specifically excludes parapet walls of not more than five feet in height from the overall building height calculation when they are installed specifically for the screening of rooftop mechanicals. As the City experiences continued growth and redevelopment the built form will be more aesthetically pleasing.

Fiscal Years	N/A
Capital Expenditures	N/A
Operating Costs	N/A
External Revenues	N/A
Program Income (city)	N/A
In-kind Match (city)	N/A
Net Fiscal Impact	N/A
NO. Additional FTE Positions (cumulative)	N/A

III. Review Comments

A. Finance Department Comments:

B. Purchasing/Intergovernmental Relations/Grants Comments:

C. Department Director Review:

Contract Start Date

Contract End Date

Renewal Start Date

Renewal End Date

Number of 12 month terms this renewal

Dollar Amount

Contractor Company Name

Contractor Contact

Contractor Address

Contractor Phone Number

Contractor Email

Type of Contract

Describe

ATTACHMENTS:

File Name	Description	Upload Date	Type
Memo_to_Council- _Building_Height_LDC_Amendment- 1.docx	MEMO TO COUNCIL	8/11/2021	Cover Memo
ORDINANCE_4174.pdf	ORDINANCE 4174	7/26/2021	Ordinance
APPLICATION_FORM.pdf	APPLICATION	7/26/2021	Backup Material
PZB_STAFF_REPORT.pdf	STAFF REPORT TO PZB	7/26/2021	Backup Material
PROPOSED_CODE.pdf	PROPOSED CODE	7/26/2021	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Community Development	Sirmons, Clarence	Approved	8/4/2021 - 10:56 PM
Purchasing	Williams, Glendora	Approved	8/5/2021 - 9:09 AM
Finance	sherman, randy	Approved	8/9/2021 - 2:11 PM
Attorney	Busby, Lina	Approved	8/10/2021 - 3:45 PM
City Clerk	Robinson, Claudene	Approved	8/10/2021 - 4:46 PM
City Manager	Jacobs, Deirdre	Approved	8/11/2021 - 7:50 PM



"The Best Waterfront City in Which to Live, Work and Play."

CITY OF RIVIERA BEACH – MEMORANDUM

TO: HON. MAYOR, CHAIRPERSON, AND CITY COUNCIL

FROM: CLARENCE SIRMONS, DIRECTOR, DEVELOPMENT SERVICES

THROUGH JONATHAN EVANS, MPA, MBA, ICMA-CM, CITY MANAGER

SUBJECT: **AMENDMENT TO THE CODE OF ORDINANCES: BUILDING HEIGHT (ZA-21-06)**

DATE: AUGUST 18, 2021

CC: GENERAL PUBLIC

Background:

Development Services staff has proposed this amendment to the Land Development Code Chapter 31, Article 1, Section 31-1. Definitions, Building Height for several reasons. First and foremost, the existing definition is outdated. It was adopted in 1983 by Ordinance 2179. The definition is not responsive to the perils of flooding faced by the community today. The new State Building Code and Flood Map requires a higher minimum floor height for structures at risk of flooding. The Building Code also requires 1' freeboard above the Base Flood Elevation for the minimum finished floor elevation. These additional elevation requirements are in place to help development be more resilient by requiring the minimum floor elevation to be at least one foot above the base flood elevation, but when combined with the maximum building height requirements in the code, the result is a constraint on the development potential of those parcels.

An additional component of this text change involves parapet walls, which are typically up to five-foot extensions of exterior building walls beyond the roof line. In commercial development in general, and particularly in flood prone areas, the mechanicals are often located on rooftops. Increasingly, single family dwellings in flood prone areas are doing the same. Land development codes and best practices typically require those mechanicals to be screened from view to mitigate impacts on abutters and create a more pleasing appearance for the structure. For this reason, the proposed language specifically excludes parapet walls from the overall building height calculation when they are installed specifically for the screening of rooftop mechanicals.

"The Best Waterfront City in Which to Live, Work And Play."



Citywide Goal:

Build Great Neighborhoods

Budget/Fiscal Impact:

N/A

Recommendation(s):

City staff recommends the approval of this ordinance.

Attachments:

1. Ordinance 4174
2. Application
3. Staff Report to Planning & Zoning Board
4. Proposed Code Language



ORDINANCE NUMBER 4174

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CITY'S CODE OF ORDINANCES ENTITLED, "ZONING", ARTICLE 1, "IN GENERAL", SECTION 31-1, "DEFINITIONS", BY AMENDING THE DEFINITION OF "HEIGHT OF BUILDING" TO READ "*HEIGHT OF BUILDING* MEANS THE VERTICAL DISTANCE MEASURED FROM THE MINIMUM REQUIRED FLOOR OR 18 INCHES ABOVE THE CROWN OF THE ROAD TO (A) THE HIGHEST POINT OF A FLAT ROOF; (B) THE DECK LINE OF A MANSARD ROOF; (C) THE AVERAGE HEIGHT BETWEEN EAVES AND RIDGE FOR GABLE, HIP, AND GAMBREL ROOFS; OR (D) THE AVERAGE HEIGHT BETWEEN HIGH AND LOW POINTS FOR A SHED ROOF. PARAPET WALLS INTENDED TO PROVIDE SCREENING FOR ROOFTOP MECHANICALS MAY EXTEND NOT MORE THAN 5 FEET ABOVE THE ALLOWABLE HEIGHT OF A BUILDING."; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City's Code of Ordinances controls and directs the development of land within the municipal limits of the City by way of text and maps; and

WHEREAS, Section 31-6 of the City of Riviera Beach Code of Ordinances establishes that the City Council may, by ordinance, regulate the location, height, bulk and size of buildings, and other structures; and

WHEREAS, Section 31-1 of the City of Riviera Beach Code of Ordinances establishes definitions to aid in the interpretation of the regulations; and

WHEREAS, the City's definition for "Height of building", adopted February 2, 1983, is outdated and not responsive to the perils of flooding faced by the community today thereby resulting in a constraint on development, particularly in the measurement of Building Height; and

WHEREAS, the screening of rooftop mechanicals from view is in the public interest in order to provide a pleasing built environment while mitigating the impacts of development on abutting property owners; and

WHEREAS, if this City-initiated amendment to the Code of Ordinances is approved, it will provide for a consistent and fair method to measure building height for all properties, including those located in flood zones; and

WHEREAS, the Planning and Zoning Board reviewed the proposed amendment to the Code of Ordinances Chapter 31, Article 1, Section 31-1 on July 22, 2021, and recommended approval to the City Council; and

WHEREAS, City staff finds that this amendment to the Code of Ordinances is responsive to the new Building Code and Flood Map which require a higher minimum floor height for properties at risk of flooding while still allowing the same height of buildings allowed on property not at risk of flooding; and

WHEREAS, the City Council of the City of Riviera Beach finds that the proposed amendment to the Code of Ordinances (ZA-21-06) is consistent with the City's Comprehensive Plan, sensitive to the perils of flooding, and promotes the health, safety, and welfare of the residents of the City and the general public.

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

SECTION 1. Legislative Findings, Intent, and Purpose. The foregoing recitals are ratified as true and correct and are incorporated herein. It is the purpose and intent of this Ordinance to promote the health, safety and general welfare of the residents, businesses, and stakeholders of the City.

SECTION 2. Chapter 31 of the Code of Ordinances of the City of Riviera Beach, entitled "Zoning", Article 1, entitled "In General" Section 31-1 is amended to read as follows (additions are underlined and deletions appear in ~~strike through~~ format):

ARTICLE I. IN GENERAL

Sec. 31-1.-Definitions.

* * *

Height of building means the vertical distance measured from the minimum required floor ~~or base flood elevation~~ or 18 inches above the crown of the road, ~~whichever is less~~, to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof. Parapet walls intended to provide screening for rooftop mechanicals may extend not more than 5 feet above the allowable height of a building.

* * *

SECTION 3. The City Council finds that it is in the best interest of the health, safety, and welfare of the public to enact this Ordinance.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase or provision of this Ordinance, or its application, to any person or circumstance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. REPEAL OF LAWS IN CONFLICT. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. CODIFICATION. Specific authority is hereby granted to codify the Ordinance as it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and sections of this Ordinance may be renumbered to accomplish such intentions.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon final passage and adoption by City Council.

PASSED AND APPROVED on the first reading this _____ day of _____, 2021.

PASSED AND ADOPTED on second and final reading this _____ day of _____, 2021.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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: _____

REVIEWED AS TO LEGAL SUFFICIENCY

SECONDED BY: _____

DAWN S. WYNN, CITY ATTORNEY

T. MCCOY: _____

DATE: _____

K. MILLER-ANDERSON: _____

S. LANIER: _____

J. BOTEL: _____

D. LAWSON: _____

1ST READING

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____

2ND & FINAL READING

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____

For Staff Use Only

City of Riviera Beach Community Development Department 600 W. Blue Heron Boulevard Riviera Beach, Florida 33404 Phone: (561) 845-4060 Fax : (561) 845-4038	Date:	Case Number:
	Project Title:	
	Fee Paid:	Notices Mailed:
	1 st Hearing:	2 nd Hearing:
	Publication Dates (if required)	

UNIFORM LAND USE APPLICATION

(Please attach separate sheet of paper for required additional information)

Complete appropriate sections of Application and sign.

APPLICANT	Name of Property Owner(s):	n/a		
	Mailing Address:			
	Property Address:			
	Name of Applicant (if other than owner):	Development Services Department		
	Home: ()	Work: ()	Fax: ()	
	E-mail Address:			

PLEASE ATTACH LEGAL DESCRIPTION

PROPERTY	Future Land Use Map Designation:	Current Zoning Classification:
	Square footage of site:	Property Control Number (PCN):
	Type and gross area of any existing non residential uses on site:	
	Gross area of any proposed structure:	
	Is there a current or recent use of the property that is/was in violation of City Ordinance? [] Yes [] No	
	If yes, please describe:	
	Have there been any land use applications concerning all or part of this property in the last 18 months? [] Yes [] No	
	If yes, indicate date, nature and applicant's name:	
	Briefly describe use of adjoining property: North:	
	South:	
	East:	
West:		

REZONE	Requested Zoning Classification:
	Is the requested zoning classification contiguous with existing?
	Is a Special Exception necessary for your intended use? [] Yes [] No
	Is a Variance necessary for your intended use? [] Yes [] No


FUTURE LAND USE	Existing Use:	Proposed Use:
	Land Use Designation:	Requested Land Use:
	Adjacent Land Uses: North:	South:
	East:	West:
	Size of Property Requesting Land Use Change:	

SPECIAL EXCEPTION	Describe the intended use requiring a Special Exception:
	Provide specific LDR ordinance section number and page number:
	How does intended use meet the standards in the Land Development Code?
	Demonstrate that proposed location and site is appropriate for requested use:
	Demonstrate how site and proposed building(s) have been designed so they are compatible with adjacent uses and neighborhoods:
	Demonstrate any landscaping techniques to visually screen use from adjacent uses:
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use:
	Demonstrate how utilities and other service requirements of the use can be met:
	Demonstrate how the impact of traffic generated will be handled:
	On-site:
Off-Site:	
Other:	

VARIANCE	Describe the Variance sought:
	Demonstrate that the Variance is needed to overcome a hardship caused by the unique physical conditions of the site:
	Specify the minimum Variance requirements including: height, lot area, size of structure, size of yard, setback, buffer or open space:
	Other:

SITE PLAN	Describe proposed development:
	Demonstrate that proposed use is appropriate to site:
	Demonstrate how drainage and paving requirement will be met:
	Demonstrate any landscaping techniques to visually screen use from adjacent uses:
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use:
	Demonstrate how utilities and other service requirements of the use can be met:
	Demonstrate how the impact of traffic generated will be handled:
	On-site:
	Off-site:

OTHER	<u>COMMUNICATION TOWER CO-LOCATION REQUIREMENTS:</u>
	<ul style="list-style-type: none"> • Three sets of signed and sealed Construction documents, elevations and all equipment shelters, cabinets, Coax, telephone and power conduits identified. These plans will then be used to obtain the Building Permit. • Antenna manufacture cut sheets including antenna size and shape. • Zoning map of area with site clearly marked. • Photos of existing building or tower and surrounding uses. • Letter of non-interference and FCC compliance from applicant's Radio Frequency Professional. • Map of surrounding carrier existing locations in all directions with type i.e. Guyed, Self-Support, Monopole, Rooftop. • Letter of structural capacity and building code compliance. • Notes on plan or letter demonstrating floor area coverage not in excess of restrictions • Provide Photo Enhancements of proposal. • Statement that proposal is in compliance with Environmental Regulations prior to permit issue.

Confirmation of Information Accuracy	
<p>I hereby certify that the information on this application is correct. The information included in this application is for use by the City of Riviera Beach in processing my request. False or misleading information may be punishable by a fine of up to five hundred dollars (\$500.00) and imprisonment of up to thirty (30) days and may result in the summary denial of this application.</p>	
 Signature	7/6/21 Date



**CITY OF RIVIERA BEACH STAFF REPORT
APPLICATION: ZA-21-06**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CITY'S CODE OF ORDINANCES ENTITLED, "ZONING", ARTICLE 1, "IN GENERAL", SECTION 31-1, "DEFINITIONS", BY AMENDING THE DEFINITION OF "HEIGHT OF BUILDING" TO READ "*HEIGHT OF BUILDING* MEANS THE VERTICAL DISTANCE MEASURED FROM THE MINIMUM REQUIRED FLOOR OR 18 INCHES ABOVE THE CROWN OF THE ROAD TO (A) THE HIGHEST POINT OF A FLAT ROOF; (B) THE DECK LINE OF A MANSARD ROOF; (C) THE AVERAGE HEIGHT BETWEEN EAVES AND RIDGE FOR GABLE, HIP, AND GAMBREL ROOFS; OR (D) THE AVERAGE HEIGHT BETWEEN HIGH AND LOW POINTS FOR A SHED ROOF. PARAPET WALLS INTENDED TO PROVIDE SCREENING FOR ROOFTOP MECHANICALS MAY EXTEND NOT MORE THAN 5 FEET ABOVE THE ALLOWABLE HEIGHT OF A BUILDING."; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- A. Applicant:** City of Riviera Beach
- B. Request:** The application seeks to amend the definition for "Height of Buildings" in the Land Development Code of Ordinances Article I Section 31-1'
- C. Location:** N/A
- D. Property Description and Uses:** N/A
- E. Adjacent Property Description and Uses:** N/A
- F. Background:**

The City of Riviera Beach has been reviewing several documents which relate to flooding and development over the past several months. The Development Services Department (Department) is in the process of updating the Coastal Element of the Comprehensive Plan, relative to perils of flooding most specifically. The Department also just submitted documentation for the recertification of our participation in the Community Rating System (CRS) program which also relates to flooding and resiliency.



The Federal Emergency Management Agency (FEMA) also recently released updated flood risk maps for the community. These maps are not yet adopted. The Department also continues to process building permit applications for new construction as well as redevelopment throughout the City. During the routine evaluation of permits staff realized that the existing definition for height of buildings was actually resulting in a restriction on development disproportionally affecting areas with a specified base flood elevation (BFE) higher than 18 inches above the crown of the road, and was not responsive to current construction best practices. The reason is that the starting point to measure the height of a building, per the existing code is “the vertical distance measured from the minimum required floor or base flood elevation or 18 inches above the crown of the road, whichever is less, to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof.” In areas with a base flood elevation that is at an elevation higher than 18 inches above the crown of the road the height of a building would be measured starting at 18 inches above the crown of a road but the actual elevation of the first floor would be a minimum of one foot above the base flood elevation. The phrase “whichever is less” may result in a restriction on the developable building height for areas with an established BFE. This proposed amendment also exempts parapet walls intended to screen rooftop mechanical units from the calculation of building height. It is more desirable to have this equipment shielded from view and the presence of walls can muffle any noise generated by the equipment and direct it vertically instead of laterally, and in flood zones putting mechanical units on the rooftops is a best practice. This regulation revision is intended to guide development in a consistent and fair manner and be responsive to the changing conditions of sea level rise, climate change and regulations for development in flood zones.

G. Staff Analysis:

The Code of Ordinances is intended to guide development in the community. It is also intended to be a document that changes and is amended over time as deemed necessary by the City’s leaders. Development Services staff have advanced this proposed amendment to the Land Development Code Chapter 31, Article 1, Section 31-1. Definitions, Building Height for several reasons. First and foremost, the existing definition is outdated. It was adopted 2-2-83 by Ordinance 2179. The definition is not responsive to the perils of flooding faced by the community today. There is a new State Building Code and Flood Map which require a higher minimum floor height for structures at risk of flooding. The Building Code also requires 1’ freeboard above the Base Flood Elevation for the minimum finished floor elevation. These additional elevation requirements are in place to help development be more resilient by requiring the minimum floor elevation to be at least one foot above the base flood elevation, but when combined with the maximum building height requirements in the code the result is a constraint on the development potential of those parcels. In commercial development in general, and particularly in flood prone areas, the mechanicals are being located on rooftops. More and more frequently single family dwellings in flood prone areas are doing the same. Land development codes and best practices typically require those mechanicals to be screened from view to mitigate impacts on abutters and also result in a more pleasing appearance for the structure. For



this reason the proposed language specifically excludes parapet walls of not more than five feet in height from the overall building height calculation when they are installed specifically for the screening of rooftop mechanicals. As the City experiences continued growth and redevelopment the built form will be more aesthetically pleasing.

H. Recommendation:

Staff recommends approval of the Application ZA-21-06 from the City of Riviera Beach which is “An Ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, Amending Chapter 31 of the City’s Code of Ordinances entitled, “Zoning”, Article 1, “In General”, Section 31-1, “Definitions”, by amending the definition of “height of building” to read “*height of building* means the vertical distance measured from the minimum required floor or 18 inches above the crown of the road to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof. parapet walls intended to provide screening for rooftop mechanicals may extend not more than 5 feet above the allowable height of a building.”; providing for conflicts, severability and codification; and providing for an effective date.



Dwelling unit (DU) means a room or suite of two or more rooms suitable and designated for residential use and not occupied by more than one family doing its own cooking therein and having only one kitchen facility, located within a building.

Easement means a grant to the general public, a corporation or a certain person for use of a strip or parcel of land for a specific purpose.

Expression line means a continuous line on a building façade expressed by a variation in material or by a cornice or molding.

Family means one or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit exclusive of household servants.

Family day care home means an accessory use conducted in an occupied residence in which custodial care is regularly provided to one to six children, inclusive, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit.

Ferrous metal means any metals containing significant quantities of iron or steel.

Filling (service) stations means any building or plot of land used or designed to be used for the storage and retail sale of automotive fuels and lubricants and which may include facilities for washing, polishing, greasing, waxing, tire repairing and other minor repairs. No major vulcanizing, tire recapping or other major mechanical repairs shall be included in the operation of a filling station.

Floor area ratio (F.A.R.) means the total floor area built on a zoning lot, divided by the total lot area of that zoning lot.

Floor area, total means the sum of the areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding garage space which is in the basement or lower floors of a building. Carports, garages, breezeways and porches shall be excluded from the computation of floor area when a minimum floor area is specified in these provisions.

Floor footprint means the total indoor and outdoor footprint of a building at any given story. The 100-percent floor footprint is calculated by multiplying the maximum lot coverage by the overall size of the parcel. Some districts may limit the floor footprint by percentage at certain stories.

Garage, private means an accessory building or a portion of a main building designed or used for the storage of automobiles of the occupants of the main building. A carport would be considered a private garage.

Garage, public means a building or portion thereof, other than a private or storage garage, designed or used for the storage, servicing, repairing and equipping of motor vehicles.

Garage, storage means a building or portion thereof designed or used exclusively for the storage or parking of automobiles. Services, other than storage, shall be limited to refueling, lubrication, washing, waxing and polishing.

Height of building means the vertical distance measured from the minimum required floor ~~or base flood elevation~~ or 18 inches above the crown of the road, ~~whichever is less~~, to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof. Parapet walls intended to provide screening for rooftop mechanicals may extend not more than 5 feet above the allowable height of a building.

CITY OF RIVIERA BEACH CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: 8/18/2021

Agenda Category: REGULAR RESOLUTION

Subject: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING PLAT APPLICATION (PA-20-02) FROM THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY (CRA), TO COMBINE THREE CONTIGUOUS LOTS OF RECORD INTO ONE LOT TOTALING APPROXIMATELY 0.45-ACRE IN LAND AREA, FOR THE REAL PROPERTY LOCATED AT 200 WEST BLUE HERON BOULEVARD, ASSOCIATED WITH PARCEL CONTROL NUMBER 56-43-42-28-04-006-0220; HAVING A DOWNTOWN MIXED USE FUTURE LAND USE DESIGNATION AND A DOWNTOWN GENERAL (DG) ZONING DESIGNATION; PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Recommendation/Motion: City staff recommends City Council approval of this Resolution.

Originating Dept	Development Services	Costs	N/A
User Dept.	City	Funding Source	
Advertised	No	Budget Account Number	
Date			
Paper			
Affected Parties	Notified		

Background/Summary:

In December 2008, the Community Redevelopment Agency (CRA) purchased the subject property for redevelopment purposes. At the time, the property comprised of two dilapidated structures, which were demolished shortly after the CRA acquisition. In December 2020, City staff received the Uniform Land Use Application and other related documents from the Applicant (Blue Lagoon Plaza, LLC.). The prior approval of site plan SP-19-27 for this site conditioned the re-plat of the property prior to the issuance of a certificate of occupancy. The Planning and Zoning Board heard the plat application for the subject property on Thursday, June 24, 2021, and was recommended for approval.

Fiscal Years	N/A
Capital Expenditures	N/A
Operating Costs	N/A
External Revenues	N/A

Program Income (city)	N/A
In-kind Match (city)	N/A
Net Fiscal Impact	N/A
NO. Additional FTE Positions (cumulative)	N/A

III. Review Comments

A. Finance Department Comments:

B. Purchasing/Intergovernmental Relations/Grants Comments:

C. Department Director Review:

Contract Start Date

Contract End Date

Renewal Start Date

Renewal End Date

Number of 12 month terms this renewal

Dollar Amount

Contractor Company Name

Contractor Contact

Contractor Address

Contractor Phone Number

Contractor Email

Type of Contract

Describe

ATTACHMENTS:

File Name	Description	Upload Date	Type
Memo_to_Council-Blue_Lagoon_Plat.docx	Memo to Council	8/11/2021	Cover Memo
Resolution_No.83-21_-_Plat_Application_Blue_Lagoon_Plaza.docx	Resolution Blue Lagoon Plat	8/3/2021	Resolution
Blue_Lagoon_Plaza_-_Plat.pdf	Blue Lagoon Plaza - Plat	8/3/2021	Exhibit
Blue_Lagoon_Plaza_-_Boundary_and_Topographic_Survey.pdf	Survey	8/3/2021	Backup Material
PA-20-02_-_BLue_Lagoon_Plaza_Staff_Report_-_ (200_W_Blue_Heron_Bld)(Josue).pdf	Staff Report	8/3/2021	Backup Material
Blue_Lagoon_Plaza_-_RePlat_Application_-_Justification_Statement_-12-10-2020.pdf	Justification Statement	8/3/2021	Backup Material
Blue_Lagoon_Plaza_-_RePlat_Submission_-_City_of_Riviera_Beach_Uniform_Land_Use_Application_-	Application	8/3/2021	Backup

_December_8__2020_-_Signed.pdf

Material

Blue_Lagoon_Plaza_-_Signed_Opinion_of_Title.pdf

Title

8/3/2021

Backup
Material

REVIEWERS:

Department	Reviewer	Action	Date
Community Development	Sirmons, Clarence	Approved	8/4/2021 - 9:47 PM
Purchasing	Williams, Glendora	Approved	8/5/2021 - 9:38 AM
Finance	sherman, randy	Approved	8/9/2021 - 2:08 PM
Attorney	Busby, Lina	Approved	8/10/2021 - 4:10 PM
City Clerk	Robinson, Claudene	Approved	8/10/2021 - 4:46 PM
City Manager	Jacobs, Deirdre	Approved	8/11/2021 - 7:50 PM



"The Best Waterfront City in Which to Live, Work And Play."

CITY OF RIVIERA BEACH

TO: HON. MAYOR, CHAIRPERSON, AND CITY COUNCIL

THROUGH: JONATHAN EVANS, MPA, MBA, ICMA-CM, CITY MANAGER

FROM: CLARENCE SIRMONS, AICP, DIRECTOR OF DEVELOPMENT SERVICES

SUBJECT: **PLAT RESOLUTION FOR APPLICATION PA 20-02 FOR BLUE LAGOON PLAZA**

DATE: AUGUST 18, 2021

CC: GENERAL PUBLIC

Background:

In December 2008, the Community Redevelopment Agency (CRA) purchased the subject property for redevelopment purposes. At the time, the property comprised of two dilapidated structures, which were demolished shortly after the CRA acquisition. In December 2020, City staff received the Uniform Land Use Application and other related documents from the Applicant (Blue Lagoon Plaza, LLC.). The prior approval of site plan SP-19-27 for this site conditioned the re-plat of the property prior to the issuance of a certificate of occupancy. The Planning and Zoning Board heard the plat application for the subject property on Thursday, June 24, 2021, and was recommended for approval.

City Goals:

Achieve a Sustainable Economy

Fiscal/Budget Impact:

N/A

Recommendation:

Staff Recommends Approval of this plat.

Attachments:

1. Plat Resolution
2. Blue Lagoon Plaza Plat
3. Property Survey
4. Staff Report
5. Justification Statement
6. Application
7. Title

RESOLUTION NO. 83-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING PLAT APPLICATION (PA-20-02) FROM THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY (CRA), TO COMBINE THREE CONTIGUOUS LOTS OF RECORD INTO ONE LOT TOTALING APPROXIMATELY 0.45-ACRE IN LAND AREA, FOR THE REAL PROPERTY LOCATED AT 200 WEST BLUE HERON BOULEVARD, ASSOCIATED WITH PARCEL CONTROL NUMBER 56-43-42-28-04-006-0220; HAVING A DOWNTOWN MIXED USE FUTURE LAND USE DESIGNATION AND A DOWNTOWN GENERAL (DG) ZONING DESIGNATION; PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the proposed plat is consistent with the City's Comprehensive Plan and the Downtown Mixed Use Future Land Use Category; and

WHEREAS, the applicant, The Riviera Beach Community Redevelopment Agency (CRA), is requesting a plat approval as a result of the previously approved site plan (SP-19-27) to construct a new commercial building, approximately 3,840 square feet in area; and

WHEREAS, the approval of this plat application (PA-20-02) from the CRA will combine the existing three (3) contiguous lots of record into one (1) lot, totaling approximately 0.45-acre, located at 200 West Blue Heron Boulevard, associated with Parcel Control Number 56-43-42-28-04-006-0220; and

WHEREAS, this plat is required in order to implement the previously approved site plan; and

WHEREAS, on June 24, 2021, the Planning and Zoning Board, an advisory board to the City Council, reviewed the plat application (PA-20-02) and City staff report, which included the plat application, plat and peer review comments on the plat, and unanimously recommended approval to the City Council; and

WHEREAS, the proposed plat complies with the City's Code of Ordinances and with Florida Statutes; and

WHEREAS, the City Council desires to approve the proposed plat, Blue Lagoon Plaza Plat, attached hereto as Exhibit A.

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

SECTION 1. That the City Council hereby approves the plat application (PA-20-02) and associated plat attached hereto and archived as part of this Resolution as Exhibit A.

SECTION 2. The Mayor, City Clerk and City Engineer are hereby authorized to sign the Blue Lagoon Plaza Plat.

RESOLUTION NO. 83-21

Page 2 of 3

SECTION 3. Should any one or more of the provisions or elements of this Resolution be held invalid, such provision or element shall be null and void, and shall be deemed separate from the remaining provisions or elements and shall in no way affect the validity of any of the remaining provisions or elements of this Resolution.

SECTION 4. This Resolution shall take effect upon its passage and approval by City Council.

PASSED and APPROVED this _____ day of _____, 20____.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

RESOLUTION NO. 83-21
Page 3 of 3

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

DOUGLAS D. LAWSON
COUNCILPERSON

JULIA A. BOTEL, Ed. D.
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY: _____

K. MILLER-ANDERSON: _____

S. LANIER: _____

J. BOTEL: _____

D. LAWSON: _____

REVIEWED AS TO LEGAL SUFFICIENCY

DAWN S. WYNN, CITY ATTORNEY

DATE: _____

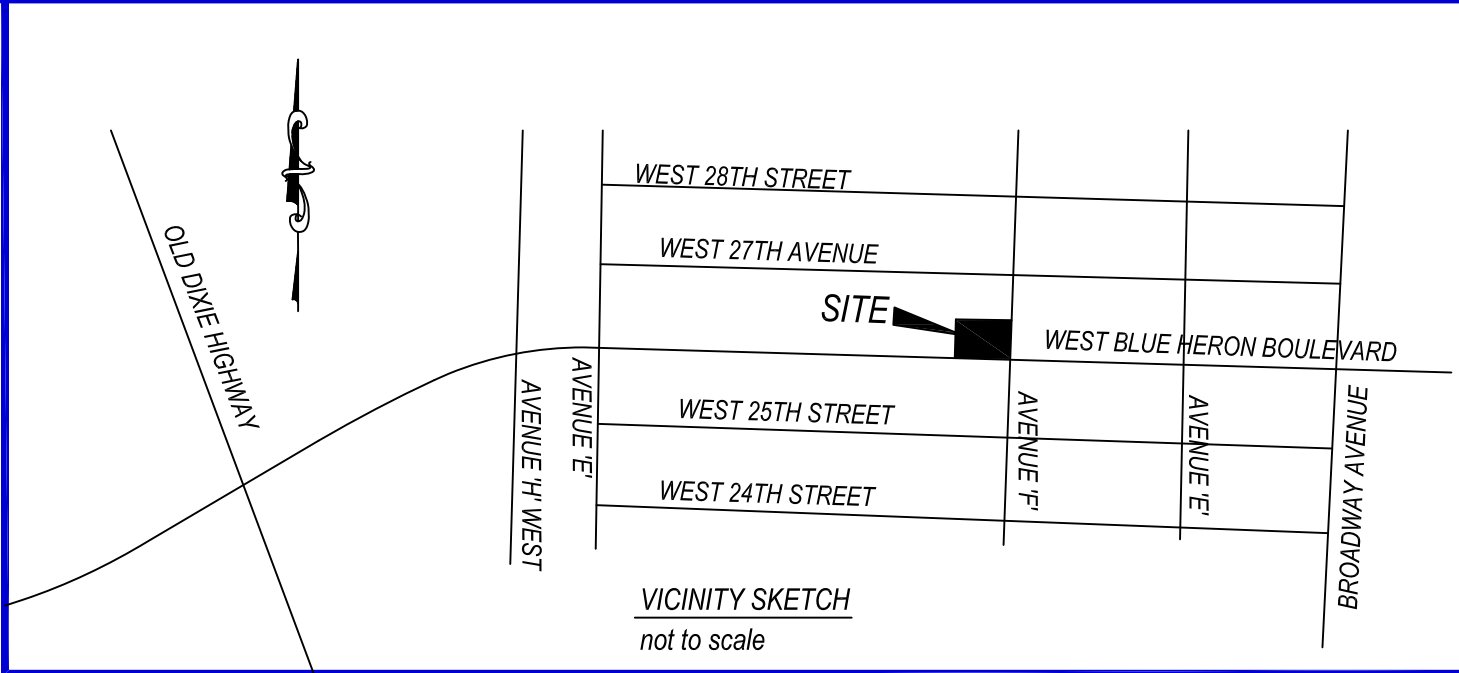
Exhibit A

BLUE LAGOON PLAZA

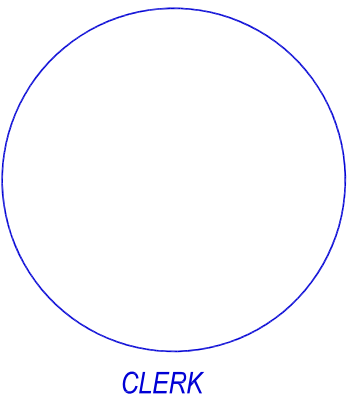
BEING A REPLAT OF LOTS 22, 23 AND 24, BLOCK 6, BLUE HERON PARK, AN ADDITION TO THE CITY OF RIVIERA BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 87, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS THE SOUTH SEVEN FEET(7') THEREOF.

LYING AND BEING IN SECTION 32, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, THE CITY OF RIVIERA BEACH, FLORIDA

SHEET 1 OF 2



STATE OF FLORIDA
COUNTY OF PALM BEACH
THIS PLAT HAS BEEN FILED FOR
RECORD AT _____
THIS ____ DAY OF _____, 201__
AND DULY RECORDED IN PLAT
BOOK _____
ON PAGE _____
SHARON R. BOCK,
CLERK & COMPTROLLER
PALM BEACH COUNTY
BY: _____



CLERK

MORTGAGEE'S JOINDER AND CONSENT

CITY OF RIVIERA BEACH
COUNTY OF PALM BEACH
STATE OF FLORIDA

THE UNDERSIGNED HEREBY CERTIFIES THAT IT IS THE HOLDER OF MORTGAGES, UPON THE PROPERTY DESCRIBED HEREON AND DOES HEREBY JOIN IN AND CONSENT TO THE DEDICATION OF THE LAND DESCRIBED IN SAID DEDICATION BY THE OWNER THEREOF AND AGREES THAT ITS MORTGAGES WHICH ARE RECORDED IN OFFICIAL RECORD BOOK _____ AT PAGES _____ OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SHALL BE SUBORDINATED TO THE DEDICATION SHOWN HEREON.

IN WITNESS WHEREOF, THE SAID CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS _____ AND ITS CORPORATE SEAL TO BE AFFIXED HEREON BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS THE ____ DAY OF _____, 2020

WITNESS: _____
PRINT NAME: _____
BY: _____
SIGNATURE

WITNESS: _____
PRINT NAME: _____
BY: _____
PRINTED NAME AND TITLE

MORTGAGEE'S JOINDER AND CONSENT

CITY OF RIVIERA BEACH
COUNTY OF PALM BEACH
STATE OF FLORIDA

THE UNDERSIGNED HEREBY CERTIFIES THAT IT IS THE HOLDER OF MORTGAGES, UPON THE PROPERTY DESCRIBED HEREON AND DOES HEREBY JOIN IN AND CONSENT TO THE DEDICATION OF THE LAND DESCRIBED IN SAID DEDICATION BY THE OWNER THEREOF AND AGREES THAT ITS MORTGAGES WHICH ARE RECORDED IN OFFICIAL RECORD BOOK _____ AT PAGE _____ OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SHALL BE SUBORDINATED TO THE DEDICATION SHOWN HEREON.

IN WITNESS WHEREOF, THE SAID CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS _____ AND ITS CORPORATE SEAL TO BE AFFIXED HEREON BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS THE ____ DAY OF _____, 2020

WITNESS: _____
PRINT NAME: _____
BY: _____
SIGNATURE

WITNESS: _____
PRINT NAME: _____
BY: _____
PRINTED NAME AND TITLE

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, _____, A FLORIDA LIMITED LIABILITY COMPANY, OWNER OF THE LANDS SHOWN HEREON AS "BLUE LAGOON PLAZA", BEING A REPLAT OF

LOTS 22, 23 AND 24, BLOCK 6, BLUE HERON PARK, AN ADDITION to the CITY OF RIVIERA BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 87, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS THE SOUTH SEVEN FEET(7') THEREOF.

SITUATE LYING AND BEING IN THE CITY OF RIVIERA BEACH, FLORIDA, HAS CAUSED THE SAME TO BE SURVEYED AND REPLATTED AS SHOWN HEREON.

TRACT 'RW', AS SHOWN HEREON, IS HEREBY DEDICATED TO THE CITY OF RIVIERA BEACH, FLORIDA, FOR THE PERPETUAL USE OF THE PUBLIC FOR PUBLIC STREET PURPOSES.

IN WITNESS WHEREOF, THE ABOVE NAMED OWNER HAS CAUSED THESE PRESENTS TO BE SIGNED BY: _____
THIS ____ DAY OF _____, 20____.

BY: _____
SIGNATURE: _____

WITNESS: _____
PRINT NAME: _____

WITNESS: _____
PRINT NAME: _____

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME PERSONALLY APPEARED _____ WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED _____ AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING INSTRUMENT AS PERSONAL REPRESENTATIVES, AND ACKNOWLEDGED TO AND BEFORE ME THAT HE EXECUTED SUCH INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL THIS ____ DAY OF _____, 20____.

MY COMMISSION NO.: _____ SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: _____ PRINTED NAME OF NOTARY PUBLIC

TITLE CERTIFICATION

I, _____, A DULY LICENSED ATTORNEY IN THE STATE OF FLORIDA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY; THAT I FIND THE TITLE TO THE PROPERTY IS VESTED IN _____; THAT THE CURRENT TAXES HAVE BEEN PAID; THAT ALL MORTGAGES NOT SATISFIED OR RELEASED OF RECORD NOR OTHERWISE TERMINATED BY LAW ARE SHOWN HEREON; AND THAT THERE ARE EASEMENTS AND ENCUMBRANCES OF RECORD, BUT THOSE EASEMENTS AND ENCUMBRANCES DO NOT PROHIBIT THE SUBDIVISION CREATED BY THIS PLAT.

DATED THIS ____ DAY OF _____, 20____. BY: _____
SIGNATURE
FLORIDA BAR NO. _____

APPROVAL- CITY OF RIVIERA BEACH

CITY OF RIVIERA BEACH
COUNTY OF PALM BEACH
STATE OF FLORIDA

IT IS HEREBY CERTIFIED THAT THIS PLAT ENTITLED "BLUE LAGOON PLAZA", HAS BEEN OFFICIALLY APPROVED FOR RECORD BY THE CITY OF RIVIERA BEACH, FLORIDA, THIS ____ DAY OF _____, 20____.

BY: _____
RONNIE L. FELDER, MAYOR

BY: _____
CLAUDINE L. ANTHONY, CMG, CITY CLERK

BY: _____
TERRENCE N. BAILEY, P.E. # 60706
CITY ENGINEER

REVIEWING SURVEYORS CERTIFICATE

ON BEHALF OF THE CITY OF RIVIERA BEACH, FLORIDA, IN ACCORDANCE WITH CHAPTER 177.081(1), FLORIDA STATUTES, THIS PLAT HAS BEEN REVIEWED FOR CONFORMITY TO CHAPTER 177, PART 1, PLATTING, FLORIDA STATUTES, AND THE ORDINANCES OF THE CITY OF RIVIERA BEACH, FLORIDA, THIS DOES NOT INCLUDE THE VERIFICATION OF THE GEOMETRIC DATA OR FIELD VERIFICATION OF THE PERMANENT CONTROL POINTS (P.C.P.'s) AND MONUMENTS AT LOT/TRACT CORNERS.

DATED THIS ____ DAY OF _____, 20____. BY _____

DONALD A. SPICER
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. PSM 4677

SURVEYOR'S NOTES:

* ALL BEARINGS SHOWN HEREON ARE BASED ON THE NORTH RIGHT OF WAY LINE OF BLUE HERON BOULEVARD. (PLAT BOOK 20, PAGE 87), (S88°40'48"E, ASSUMED)

* NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN, AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY."

* RESTRICTION ON OBSTRUCTION OF EASEMENTS:
NO BUILDINGS OR ANY KIND OF CONSTRUCTION OR TREES OR SHRUBS SHALL BE PLACED ON ANY EASEMENT WITHOUT THE PRIOR WRITTEN APPROVAL OF ALL EASEMENT BENEFICIARIES AND ALL APPLICABLE CITY APPROVALS OR PERMITS AS REQUIRED FOR SUCH ENCROACHMENT.

* TABULAR AREA:
TOTAL = 19583.04 SQ. FT. OR 0.45 ACRES

* DISTANCES ARE IN U.S. SURVEY FOOT 1' x 3.2808333= 1 METER

THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT THE PERMANENT REFERENCE MONUMENTS (P.R.M.'S) AND MONUMENTS ACCORDING TO SECTION 177.091 (9), FLORIDA STATUTES, HAVE BEEN PLACED AS REQUIRED BY LAW; AND, FURTHER, THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS AMENDED, AND THE ORDINANCES OF THE CITY OF RIVIERA BEACH, FLORIDA.

DATED THIS ____ DAY OF _____, 20____.

DOUG WALKER, PSM
FLORIDA CERTIFICATE NO. PSM 7211

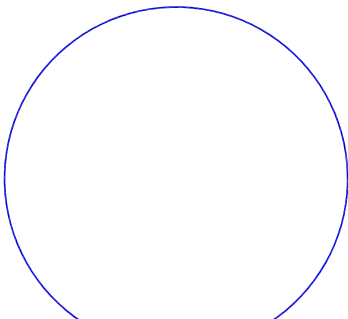
* PREPARING SURVEYOR & MAPPER STATEMENT:
THIS INSTRUMENT WAS PREPARED BY DOUG WALKER, P.S.M. # 7211, STATE OF FLORIDA, IN AND FOR THE OFFICES OF PRINCIPAL MERIDIAN SURVEYING, INC., AT 4546 CAMBRIDGE STREET, WEST PALM BEACH, FLORIDA, 33415. CERTIFICATE OF AUTHORIZATION # 8261



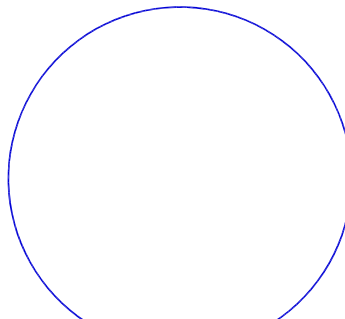
PRINCIPAL MERIDIAN SURVEYING, INC.
4546 CAMBRIDGE STREET
WEST PALM BEACH, FL. 33415
(561) 478-7764 FAX 478-1094
VISIT US AT PMSURVEYING.NET

JOB # 20030201

* ABBREVIATIONS:
PSM = FLORIDA LICENSED SURVEYOR & MAPPER
LB = LICENSED BUSINESS
PB = PLAT BOOK
O.R.B. = OFFICIAL RECORD BOOK
PG = PAGE
SQ. FT. = SQUARE FEET
P.E. = PROFESSIONAL ENGINEER
PRM = PERMANENT REFERENCE MONUMENT



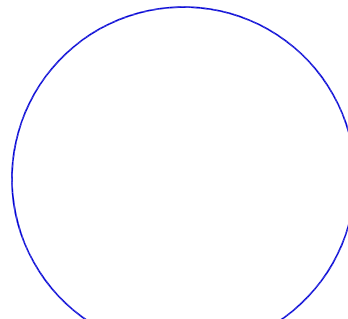
SUN TRUST BANK



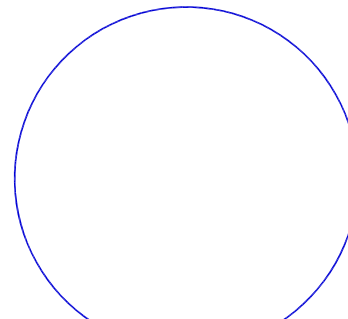
U.S. SMALL BUSINESS ADMINISTRATION



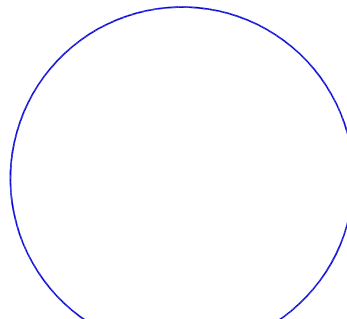
CITY ENGINEER SEAL



REVIEWING SURVEYORS SEAL



CITY OF RIVIERA BEACH SEAL



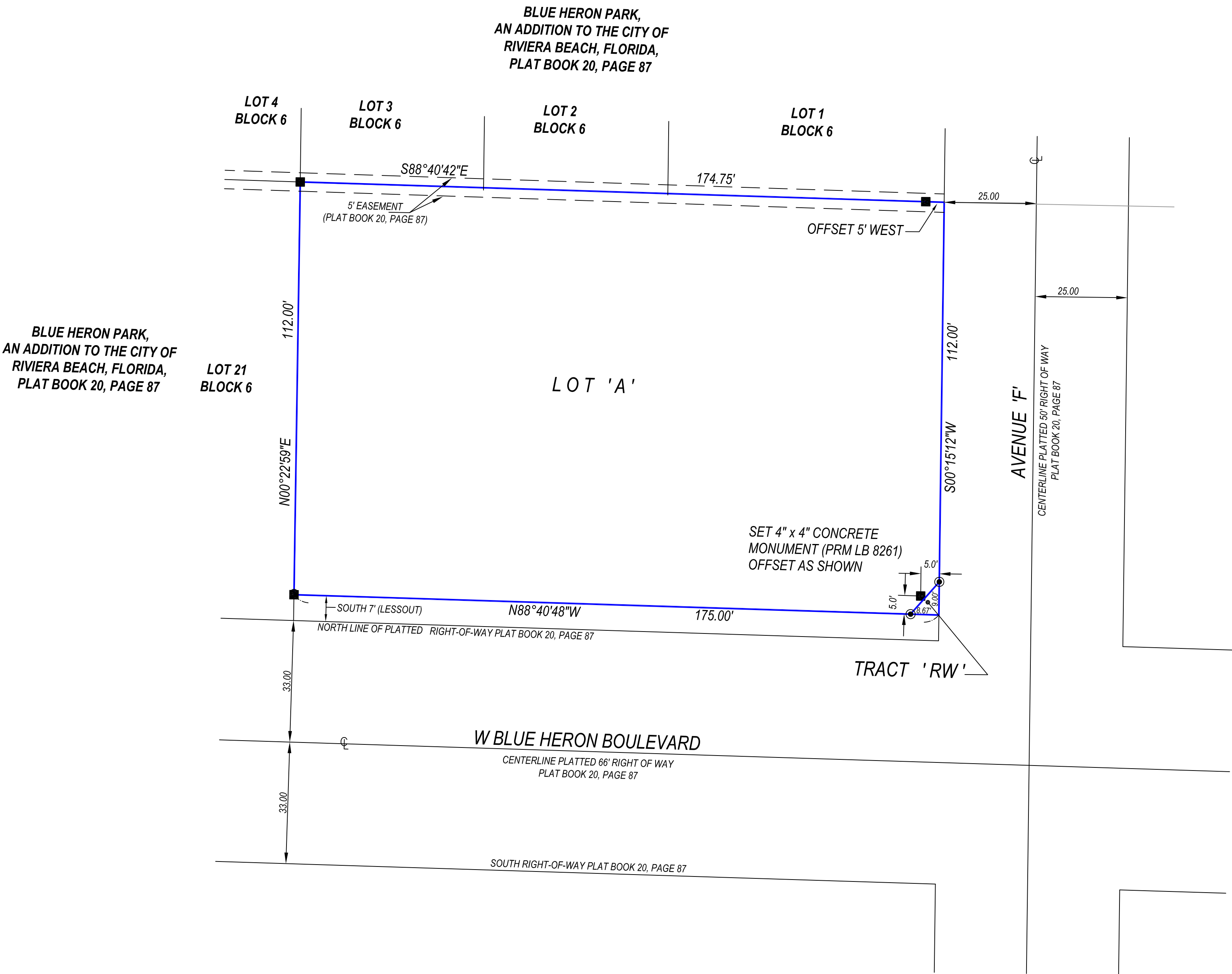
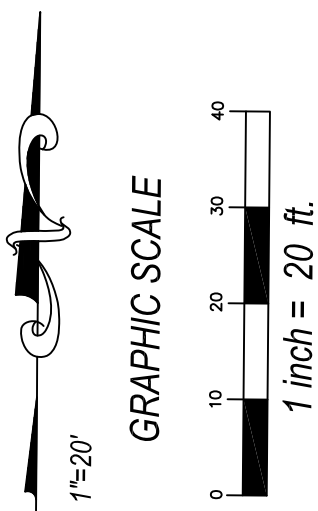
SURVEYOR'S SEAL

Exhibit A

BLUE LAGOON PLAZA

BEING A REPLAT OF LOTS 22, 23 AND 24, BLOCK 6, BLUE HERON PARK, AN ADDITION TO THE CITY OF RIVIERA BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 87, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS THE SOUTH SEVEN FEET(7') THEREOF.

LYING AND BEING IN SECTION 32, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, THE CITY OF RIVIERA BEACH, FLORIDA
SHEET 2 OF 2



STATE OF FLORIDA
COUNTY OF PALM BEACH
THIS PLAT HAS BEEN FILED FOR
RECORD AT _____
THIS _____ DAY OF _____, 201____
AND DULY RECORDED IN PLAT
BOOK _____
ON PAGE _____
SHARON R. BOCK,
CLERK & COMPTROLLER
PALM BEACH COUNTY
BY: _____

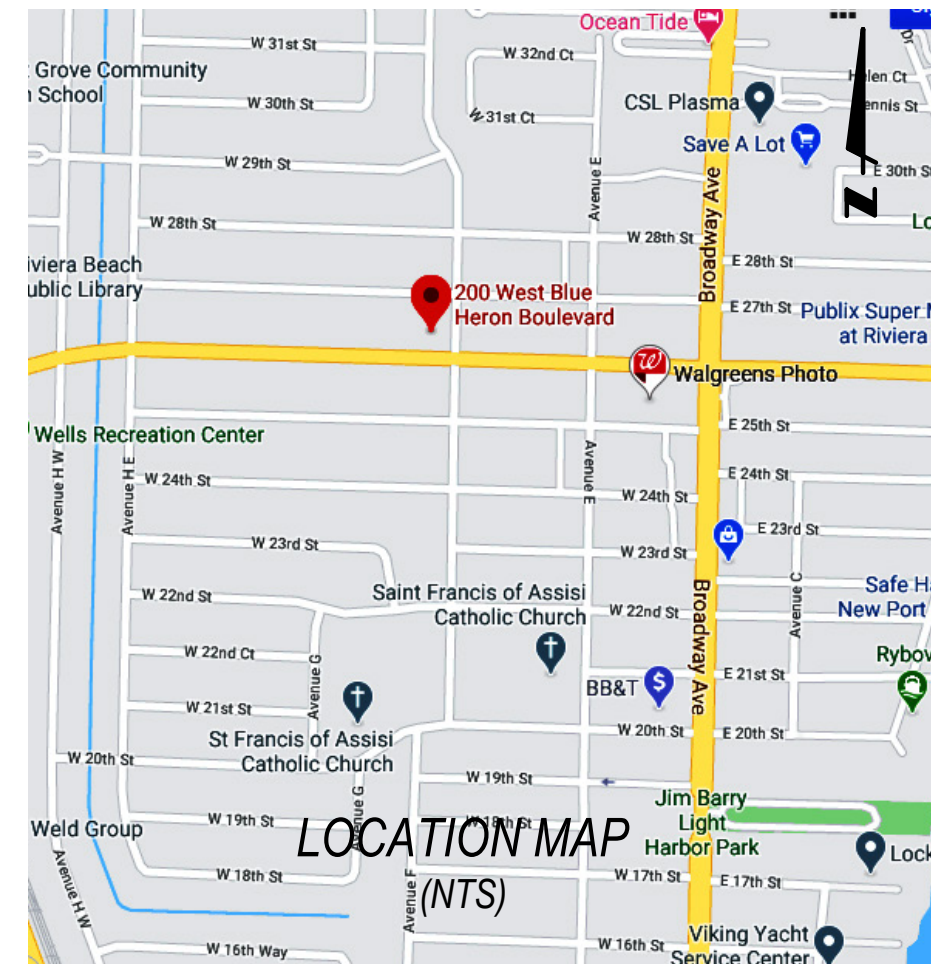
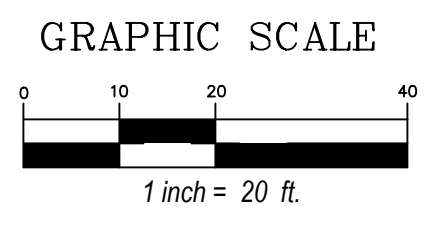
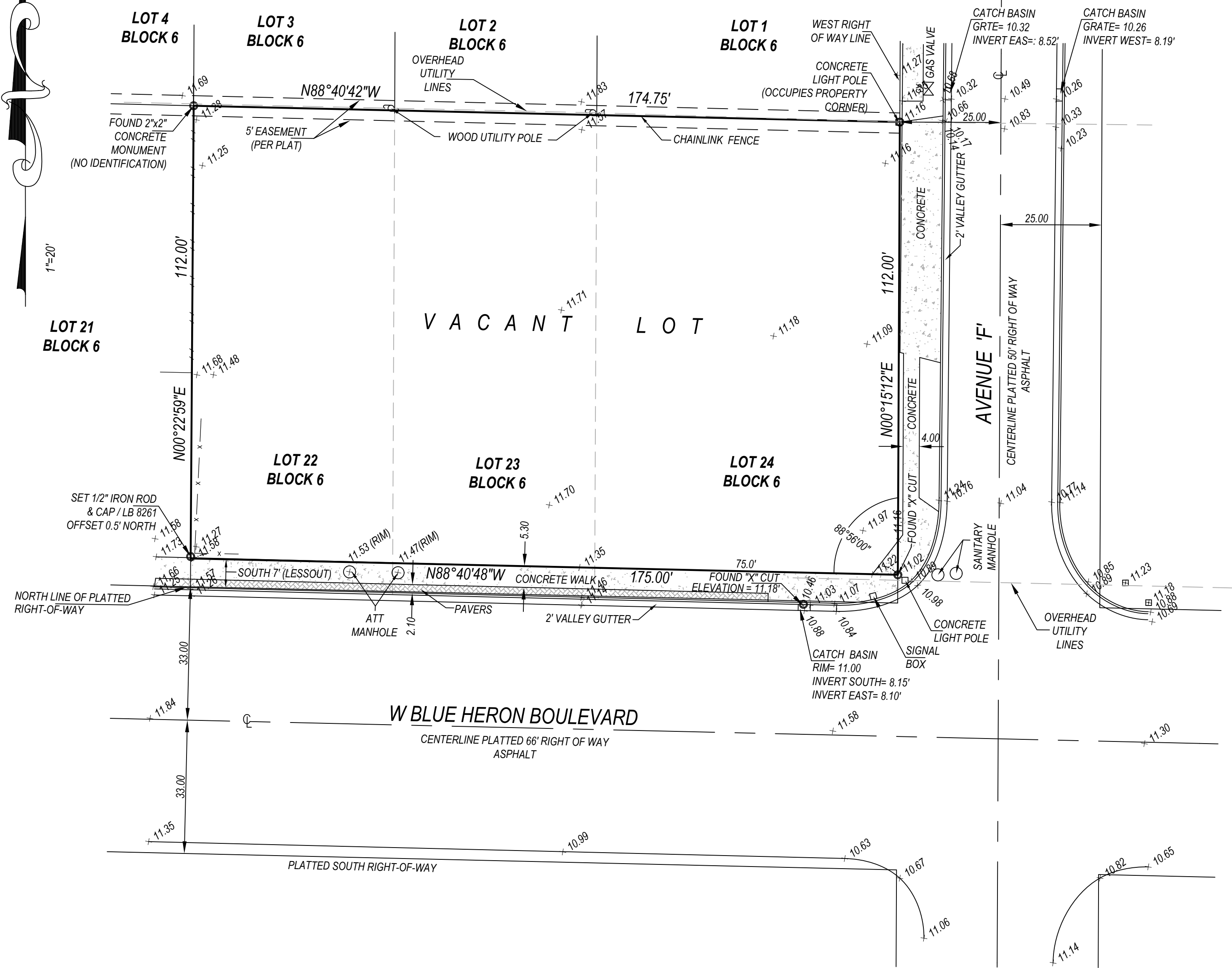
- LEGEND
- SET 4"x 4" CONCRETE MONUMENT (PERMANENT REFERENCE MONUMENT) AND BRASS DISK "LB 8261"
 - SET 1/2" IRON ROD AND CAP "LB 8261" OR NAIL AND DISK "LB 8261"
 - FOUND 4"x 4" CONCRETE MONUMENT (PERMANENT REFERENCE MONUMENT)
 - FOUND NAIL AND DISK, IRON ROD AND CAP



PM SURVEYING
4546 CAMBRIDGE STREET
WEST PALM BEACH, FL. 33415
(561) 478-7764 FAX 478-1094
VISIT US AT PMSURVEYING.NET
JOB # 20030201



LOT 21
BLOCK 6



PROPERTY ADDRESS:
200 W BLUE HERON BLVD
RIVIERA BEACH FLORIDA 33404

FLOOD ZONE: "X"
PANEL NO: 12099C 0391F
DATE: OCTOBER 5, 2017

CERTIFIED TO:
1. RIVIERA BEACH CRA

LEGAL DESCRIPTION:
LOTS 22, 23 AND 24, BLOCK 6, BLUE HERON PARK, AN ADDITION to the CITY OF RIVIERA BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 87, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS THE SOUTH SEVEN FEET(7') THEREOF.

SURVEYORS' NOTES:
1. I HEREBY CERTIFY THIS SURVEY MEETS STANDARDS OF PRACTICE PURSUANT TO FLORIDA STATUTES.
2. THE SURVEY MAP AND REPORT AND THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. UNDERGROUND OR OBSCURED IMPROVEMENTS WERE NOT LOCATED.
4. DIMENSIONS ARE RECORD AND FIELD UNLESS OTHERWISE NOTED.
5. STATED DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.
6. THIS FIRM'S CERTIFICATE OF AUTHORIZATION NUMBER IS LB 8261.
7. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
8. SURVEY SUBJECT TO RESERVATIONS, RESTRICTIONS, EASEMENTS AND RIGHTS-OF-WAY OF RECORD. (UNLESS A TITLE REVIEW, COMMITMENT REVIEW, OR OWNERSHIP AND ENCUMBRANCE REVIEW IS PRESENT ON THE FACE OF THIS DOCUMENT, THIS SURVEY HAS BEEN COMPLETED IN THE ABSENCE OF A TITLE INSURANCE POLICY).
9. LOCATION MAP IS GLEANED FROM ONLINE MAPPING SITES AND AND IS ONLY APPROXIMATE.
10. BEARINGS SHOWN HEREON ARE AS MEASURED AND ARE BASED ON STATE PLANE GRID NAD'83 FLORIDA EAST ZONE DATUM.
11. ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988. (REFERENCED TO GPS LOCATION FLORIDA DEPARTMENT OF TRANSPORTATION NETWORK)

DOUG WALKER
7211
SIGNED: *[Signature]*
DOUG WALKER
PROFESSIONAL LAND SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. 7211

CD DRAFT
JPM FIELD
BOUNDARY SURVEY
S2030201
JOB#

03-26-20 DATE

BOUNDARY AND TOPOGRAPHIC SURVEY

PRINCIPAL MERIDIAN
SURVEYING, Inc.
LICENSED BUSINESS No. 8261
4546 CAMBRIDGE STREET
WEST PALM BEACH, FL 33415
OFFICE 561-478-7764



**CITY OF RIVIERA BEACH STAFF REPORT
CASE NUMBER PA-20-02, BLUE LAGOON PLAZA
JUNE 24, 2021**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING PLAT APPLICATION (PA-20-02) FROM BLUE LAGOON PLAZA, LLC., TO COMBINE THREE CONTIGUOUS LOTS OF RECORD INTO ONE LOT TOTALING APPROXIMATELY 0.45-ACRE IN LAND AREA, FOR THE REAL PROPERTY LOCATED AT 200 WEST BLUE HERON BOULEVARD, NORTHWEST OF, AND ADJACENT TO, THE INTERSECTION OF WEST BLUE HERON BOULEVARD AND AVENUE 'F', IDENTIFIED BY PARCEL CONTROL NUMBER 56-43-42-28-04-006-0220, HAVING A DOWNTOWN MIXED USE FUTURE LAND USE DESIGNATION AND A DOWNTOWN GENERAL (DG) ZONING DESIGNATION; PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING FOR AN EFFECTIVE DATE.

- A. Applicants:** Property Owner: Community Redevelopment Agency (CRA)
Authorized Agent: Paul Skyers, (Blue Lagoon Plaza, LLC.)
- B. Request:** The applicant is requesting plat approval to combine three contiguous lots of record into one lot totaling approximately 0.45-acre in land area.
- C. Location:** The subject property is located at the northwest intersection of West Blue Heron Blvd and Avenue F, with postal address 200 West Blue Heron Blvd, and identified by Parcel Control number: 56-43-42-28-04-006-0220. This parcel is located within the City's municipal boundary as depicted on Exhibit A, Location Map below.
- D. Property Description and Uses:** The subject property description and uses are as follows:
- | | |
|--------------------------------|---------------------------------------|
| <u>Parcel Control Numbers:</u> | 56-43-42-28-04-006-0220 |
| <u>Parcel Size:</u> | 0.45 Acre |
| <u>Existing Use:</u> | Vacant Land |
| <u>Zoning:</u> | Downtown General (DG) Zoning District |
| <u>Future Land Use:</u> | Downtown Mixed Use (DMU) |
- E. Adjacent Properties Zoning Districts and Current Uses:**
- | | |
|---------------|--|
| <u>North:</u> | RS-6 Single Family Dwelling District: Single Family Residential |
| <u>South:</u> | Downtown General (DG): Multifamily Apartments (Residential), West Blue Heron Blvd Right-of-Way (ROW) |
| <u>East:</u> | Downtown General (DG): Single Family Residential, Avenue F (ROW) |
| <u>West:</u> | Downtown General (DG): Single Family Residential |

F. Background:

On December 2008, the Community Redevelopment Agency (CRA) purchased the subject property for redevelopment purposes. At the time of the purchase, the property was already developed and comprised of two dilapidated structures. Thus, both structures were demolished shortly after the CRA acquired the property, and the site has not been redeveloped since.

City staff received a Uniform Land Use Application along with other related documents for plat review from the Applicant (Blue Lagoon Plaza, LLC.). Please refer to the Applicant's Justification Statement for additional information. The applicant recently received site plan approval (SP-19-27) and was conditioned to re-plat the property prior to the issuance of a certificate of occupancy. The most recently approved site plan proposal consists of a 3,840 sq. ft. building structure with three commercial bays. As shown on the most recently approved site plan (Attached for Informational Purpose only), the largest bay will accommodate a 2,208 sq. ft. restaurant (Tony's Sub), and the two remaining bays will each be approximately 816 sq. ft. for a total of 1,632 sq. ft. and are designated for retail and office uses.

The plat application for the subject property is scheduled to be heard by the Planning and Zoning Board on Thursday, June 24, 2021 at 06:30 P.M. The CRA Board and City Council in the near future.

G. Staff Analysis:

Proposed Use: Restaurant, Retail and Office.

Zoning Regulations: The proposed plat was reviewed for compliance with the state and city's ordinance requirements and complies with the general standards for platting.

Comprehensive Plan: The proposal is consistent with the City's Comprehensive Plan and the Downtown Mixed Use (DMU) land use designation.

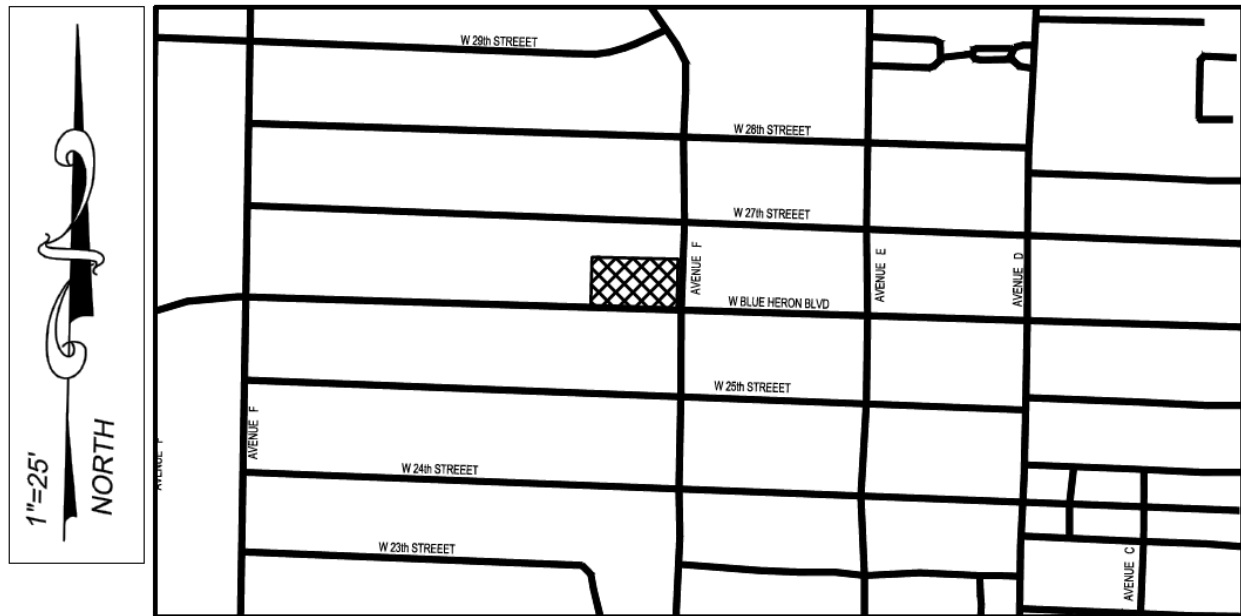
Uses: The Applicant is proposing to re-plat the property into one lot in order to utilize the site for a restaurant, retail and office, which are permitted uses per the DG Zoning District code section 31-536.

Levels of Service: Customary services such as water, sewer, roads and garbage collection are available to the site.

Landscaping: N/A

Parking: N/A

Location Map



LOCATION MAP

SCALE: NTS

Legal Description

Lots 22, 23, and 24, Block 6, BLUE HERON PARK, AN ADDITION TO THE CITY OF RIVIERA BEACH, FLORIDA, according to the Plat thereof, as recorded in Plat Book 20, Page 87, of the Public Records of Palm Beach County, Florida; LESS the South seven feet (7') thereof.



Justification Statement

Re-Plat Approval Request for the Blue Lagoon Plaza Project

To: The City of Riviera Beach, Florida

Description of Request

The Riviera Beach Community Redevelopment Agency respectfully requests approval of a re-plat of the 0.41 acre subject property (PCN: 56-43-42-28-04-006-0220) which is located in the northwest quadrant of the intersection of Blue Heron Boulevard and Avenue F in the City of Riviera Beach, Florida. The subject parcel is currently comprised of three lots {Lots **22, 23, & 24**, Block 6, Blue Heron Park, an Addition to the City of Riviera Beach, Florida as recorded in Plat Book 20, Page 87 – Public Records of Palm Beach County, Florida}. The same Plat Book recording also lists a 2.5' Easement along the North Property line of Lots **22, 23, & 24**

This application seeks to combine the three lots into a singular lot through a re-plat exercise in accordance with Article 11 Chapter B of the Unified Land Development Code of Palm Beach County, Florida, the City of Riviera Beach Code of Ordinances and Chapter 177 of the Florida Statutes. The proposed singular lot will include a triangular corner clip (Tract 'RW' on the survey) located on the southeastern corner of the parcel - which will be dedicated to the City of Riviera Beach for the perpetual use of the public.

The proposed singular lot supports a Future Land Use (FLU) designation of Downtown Mixed Use (DMU) and is located within the Downtown General (DG) Zoning District. Below is a chart of the surrounding property information:

	Future Land Use	Zoning	Use
Subject Property	DMU	DG	Vacant
North	OFF	RS-6	Single Family Residence
West	DMU	DG	Single Family Residence

The Riviera Beach CRA respectfully requests your approval of this re-plat application.

Paul Skyers
Authorized Project Agent

December 8, 2020

For Staff Use Only

City of Riviera Beach Community Development Department 600 W. Blue Heron Boulevard Riviera Beach, Florida 33404 Phone: (561) 845-4060 Fax : (561) 845-4038	Date:		Case Number:	
	Project Title:			
	Fee Paid:		Notices Mailed:	
	1st Hearing:		2nd Hearing:	
	Publication Dates (if required)			

UNIFORM LAND USE APPLICATION

(Please attach separate sheet of paper for required additional information)

Complete appropriate sections of Application and sign.

APPLICANT	Name of Property Owner(s):	Riviera Beach CRA		
	Mailing Address:	2001 Broadway, Suite 300, Riviera Beach, FL 33404		
	Property Address:	200 W. Blue Heron Blvd., Riviera Beach, FL 33404		
	Name of Applicant (if other than owner):			
	Home: ()	Work: (561) 844-3408	Fax: ()	
	E-mail Address:	p_skyers@pbcrc.org		

PLEASE ATTACH LEGAL DESCRIPTION

PROPERTY	Future Land Use Map Designation:	Current Zoning Classification:	DG	
	Square footage of site:	17,876	Property Control Number (PCN):	56-43-42-28-04-006-0220
	Type and gross area of any existing non residential uses on site:			
	Gross area of any proposed structure:			
	Is there a current or recent use of the property that is/was in violation of City Ordinance? [] Yes [✓] No			
	If yes, please describe:			
	Have there been any land use applications concerning all or part of this property in the last 18 months? [] Yes [✓] No			
	If yes, indicate date, nature and applicant's name:			
	Briefly describe use of adjoining property: North: Residential - Single family dwelling			
	South: Residential - Multi-family dwelling			
East: Residential - Single family dwelling				
West: Residential - Multi-family dwelling				

REZONE	Requested Zoning Classification:
	Is the requested zoning classification contiguous with existing?
	Is a Special Exception necessary for your intended use? [] Yes [] No
	Is a Variance necessary for your intended use? [] Yes [] No

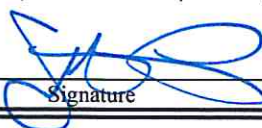
FUTURE LAND USE	Existing Use: 3 vacant lots	Proposed Use: RePlat the 3 lots into one commercial parcel
	Land Use Designation:	Requested Land Use:
	Adjacent Land Uses: North: Residential	South: Residential - Multi-family
	East: Residential	West: Residential
Size of Property Requesting Land Use Change: The subject site is a vacant 0.41 acre parcel		

SPECIAL EXCEPTION	Describe the intended use requiring a Special Exception:
	Provide specific LDR ordinance section number and page number:
	How does intended use meet the standards in the Land Development Code?
	Demonstrate that proposed location and site is appropriate for requested use:
	Demonstrate how site and proposed building(s) have been designed so they are compatible with adjacent uses and neighborhoods:
	Demonstrate any landscaping techniques to visually screen use from adjacent uses:
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use:
	Demonstrate how utilities and other service requirements of the use can be met:
	Demonstrate how the impact of traffic generated will be handled:
	On-site:
Off-Site:	
Other:	

VARIANCE	Describe the Variance sought:
	Demonstrate that the Variance is needed to overcome a hardship caused by the unique physical conditions of the site:
	Specify the minimum Variance requirements including: height, lot area, size of structure, size of yard, setback, buffer or open space:
	Other:

SITE PLAN	Describe proposed development: The proposed development will include a 3,840 sq. ft. retail/office plaza
	Demonstrate that proposed use is appropriate to site: <small>The proposed use will not deviate from the previous use of the site, and it is consistent with the existing land use and zoning designation for the site.</small>
	Demonstrate how drainage and paving requirement will be met: <small>The total impervious area of the site will be less than the 79% limit (approx. 39.75%) - The parking lot and driveway will be constructed with pervious concrete.</small>
	Demonstrate any landscaping techniques to visually screen use from adjacent uses: <small>The applicant intends to use six foot high hedging and vegetation to absorb typical noises generated by the patrons on the subject site.</small>
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use: <small>Perimeter lighting for this project will be angled away from adjacent properties and towards the building and its parking lot thereby minimizing the impact of light pollution exposure to its neighbors.</small>
	Demonstrate how utilities and other service requirements of the use can be met:
	Demonstrate how the impact of traffic generated will be handled: On-site: Off-site:

OTHER	<u>COMMUNICATION TOWER CO-LOCATION REQUIREMENTS:</u>
	<ul style="list-style-type: none"> • Three sets of signed and sealed Construction documents, elevations and all equipment shelters, cabinets, Coax, telephone and power conduits identified. These plans will then be used to obtain the Building Permit. • Antenna manufacture cut sheets including antenna size and shape. • Zoning map of area with site clearly marked. • Photos of existing building or tower and surrounding uses. • Letter of non-interference and FCC compliance from applicant's Radio Frequency Professional. • Map of surrounding carrier existing locations in all directions with type i.e. Guyed, Self-Support, Monopole, Rooftop. • Letter of structural capacity and building code compliance. • Notes on plan or letter demonstrating floor area coverage not in excess of restrictions • Provide Photo Enhancements of proposal. • Statement that proposal is in compliance with Environmental Regulations prior to permit issue.

Confirmation of Information Accuracy	
<p>I hereby certify that the information on this application is correct. The information included in this application is for use by the City of Riviera Beach in processing my request. False or misleading information may be punishable by a fine of up to five hundred dollars (\$500.00) and imprisonment of up to thirty (30) days and may result in the summary denial of this application.</p>	
 _____ Signature	December 8, 2020 _____ Date

AGENT AUTHORIZATION FORM

Owner(s) of Record: Riviera Beach CRA

2001 Broadway, Suite 300, Riviera Beach FL 33404

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared Andre Lewis, Project Mgr.

who, being first duly sworn upon oath and personal knowledge say(s) that they are the owner(s) of record of the following described real property:

PCN: 56-43-42-28-04-006-0220

Lots 22, 23, and 24, Block 6, BLUE HERON PARK, AN ADDITION TO THE CITY OF RIVIERA BEACH, FLORIDA, according to the Plat thereof, as recorded in Plat Book 20, Page 87 of the Public Records of Palm Beach County, Florida; LESS the South sevenfeet (7') thereof.

the street address of which is: 200 W. Blue Heron Blvd., Riviera Beach, FL 33404

and that we hereby appoint:

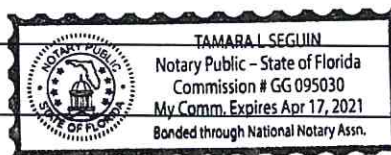
Name: Paul Skyers

Address: 2001 Broadway, Suite 210

Riviera Beach, FL 33404

Telephone: (561) 789-2132

as our authorized agent, to file applications and papers with the City of Riviera Beach, and to represent me (us) at any Hearing regarding my (our) interest.



(Seal)

(Seal)

(Seal)

Sworn to and subscribed before me this 8th day of December, 2020

Tamara L. Seguin
Notary Public

SITE PLAN APPROVAL PROCEDURE

Application Information Sheet

STEP 1. PRELIMINARY REVIEW OF SUBMISSION

SIX (6) SETS OF A STAPLED AND FOLDED PACKAGE CONTAINING DRAWINGS TO SCALE AND DIMENSIONED

1. SITE PLAN

- a. Special site plan drawing with information block showing zoning, parking calculations, site area, building coverage, pervious/impervious areas, location map.
- b. Dimensions should include – lot, landscape strips, setbacks, roads, internal circulation areas, building(s), typical parking spaces, dumpster pads/enclosures, sign locations. It should be noted that sign approval requires separate building permit submission.
- c. Provide a digital copy of the site plan drawing with State Plan Coordinates in AutoCAD 2000 (.DWG) or Shapefile (.shp) format.

2. LANDSCAPE PLAN and ENVIRONMENTAL ASSESSMENT

- a. Show compliance with the City of Riviera Beach Land Development Code
- b. Drawings and/or narrative sufficient to describe the relevant flora and fauna which may be on the site. Tree survey may be required.

3. ARTERIAL ROAD DESIGN AND STANDARD

- a. Design standards for all non-residential properties fronting the following roads are required:
 - Dr. Martin Luther King, Jr. Boulevard
 - Old Dixie Highway
 - Blue Heron Boulevard
 - 13th Street
 - Military Trail
 - Congress Avenue
- b. Drawings indicating the appearance standards are required and addressed under Ordinance 2833.
- c. Only one monument sign is permitted per site with maximum square footage of 42 square feet.

4. UTILITY and DRAINAGE PLAN

- a. Conceptual plan, indicating location of lines and tie-ins, proposed hydrants, if applicable
- b. Conceptual plan to include existing and proposed major elevations.
- c. Show easement, existing and proposed.
- d. Show conceptually how retention area will provide treatment for one-hour storm.

5. TRAFFIC ASSESSMENT

- a. If traffic trip generation is under 500 T.P.D. then a properly formulated traffic statement is adequate. Traffic generation above this level will require a traffic engineer prepared traffic study. Provide total ADT (Average Daily Trips) for project [from Traffic Statement, Traffic Study or Table 1 in Sec. 23.AA – 28.3 of Code].

- b. Palm Beach County Traffic Assessment Requirements: Applicant must submit a Traffic Impact Study for Palm Beach County to receive concurrency approval in accordance with Sec. 23-131 of the Palm Beach County Traffic Performance Code.

6. BUILDING ELEVATIONS

- a. Front, rear, and both sides.
- b. Show finishes (color, materials).
- c. Elevators are required to be in color showing building finishes, lighting, canopies, etc. Plans shall have a minimum sheet size of 8 ½ "x 14". Plans larger than 8 ½ "x 14" shall be folded individually. Reduced copies of the site plan on 11" x 17" sheets are required for the City Council. (Note: Plans for submittal to the Planning and Zoning Board and City Council shall be provided after all comments and requirements by staff have been satisfied.

7. FLOOR PLAN

- a. Conceptual (construction details are not necessary).

8. NARRATIVE OR COVER LETTER

- a. Describe project purpose and details of intended use, including phasing and relationship to surrounding area.
- b. Include estimate of employment and student population generated by project, if applicable.

9. CONCURRENCE COMPLIANCE

- a. Traffic Generation: Total ADT (Average Daily Trips) for project [from Traffic Statement, Traffic Study or Table I in Sec. 31-715 of Code]
- b. Sanitary Sewer: Total gallons per day produced by project - [from calculations or Table III in Section 31-717 of Code]
- c. Potable Water: Total gallons per day required by project [from calculation or based on Table II in Section 31-716 of Code]
- d. Drainage: Does project detain on-site the first inch of run-off or run-off from a one-hour storm (3 year)? Note: All developments of one acre or more are required to obtain an NPDES permit prior to obtaining a City Building permit, and provide PPP and BMP plans.
- e. Solid Waste: Total pounds of waste generated per day by project [from calculations or based on Table IV in Section 31-718 of Code]
- f. Recreation: If a residential project, list proposed public recreational or park elements of project (in acres)
- g. School Concurrency: The School Concurrency Application and Service Provider Form must be completed and submitted with this application. Please refer to the attached School Concurrency Application and Service Provider Form for related fees.

STEP 2: DEPARTMENTAL REVIEW, COMMENTS TO APPLICANT AND REVISIONS TO PROJECT

After departmental review (approximately four weeks), the applicant will receive a letter from Community Development outlining department concerns and comments. The departmental review process repeats until staff is satisfied with revisions. Applicant will then provide six (6) full size packages of accordion folded, revised plans. These

must be provided to Staff a minimum of fourteen (14) days prior to the next Planning and Zoning Board Meeting in order to be included on the Agenda. The Board meets the second Thursday of each month. Staff comments to the Board are available for pickup the Monday prior to the Thursday Planning and Zoning Board meeting.

STEP 3: PLANNING AND ZONING BOARD MEETING

Applicant, or agent, **must** be in attendance to present their project and to address concerns of the Planning and Zoning Board. The City will provide a laptop, projector and video screen to be used in the presentation. Applicants intending to use these devices must inform Staff at least three business days in advance of the Planning and Zoning Board meeting. The Board may recommend the City Council approve, approve with conditions, deny, or table the project.

STEP 4: SUBMITTAL FOR COUNCIL MEETING

Any revisions required as a result of the Planning and Zoning Board's conditions, shall be incorporated (by applicant) into the package for submission to the City Council. Six (6) **reduced size copies** on 11" x 17" sheets of the final site plan must then be provided for the City Council agenda along with the other package items a minimum of twenty-one (21) days prior to meeting. The City Council meets the first and third Wednesday of each month.

A complete package for submission to the City Council includes the following items:

1. Uniform Land Use Application
2. Project Narrative
3. Response(s) to Departmental Comments
4. Site Plan
5. Landscape Plan
6. Elevations

Applicants seeking to expedite the approval process should submit revised packages as soon after the Planning and Zoning Board meeting as possible in order to have the project placed on the City Council Agenda.

STEP 5: COUNCIL MEETING

The project then goes before the City Council for decision. Applicant must be in attendance. Applicant will be allowed to make a brief presentation about the project. The City will provide a laptop, projector and video screen to be used in the presentation. Applicants intending to use these devices must inform Staff at least three business days in advance of the City Council meeting. The City Council may approve, approve with conditions, deny, or table the project.

STEP 6: UPON APPROVAL APPLICANT MAY APPLY FOR BUILDING PERMIT

Applicant will be formally notified of decision and any conditions which may be attached. Two (2) folded sets of the approved site plan complying with conditions shall be submitted to the Community Development Department within fifteen (15) days of the Council hearing. Plans must be submitted and approved by the Planning Division before building permits can be issued.



J. MICHAEL HAYGOOD, P.A. | ATTORNEY AT LAW

701 NORTHPOINT PARKWAY, SUITE 209
WEST PALM BEACH, FL 33407

OPINION OF TITLE

Florida Statutes Chapter 177

To: City of Riviera Beach

With the understanding that this Opinion of Title is furnished to the City of Riviera Beach, as inducement for acceptance of a proposed plat covering the real property, hereinafter described, it is hereby certified that the following report reflects a comprehensive search of the Public Records affecting the property described below property covering the period from the beginning to the 13th day of October, 2020, at the hour of 11: PM, inclusive, of the following described property:

Lots 22, 23, and 24, Block 6, Blue Heron Park, an Addition to the City of Riviera Beach, Florida according to the map or plat thereof as recorded in Plat Book 20, Page 87, Public Records of Palm Beach County, Florida, less the South seven feet thereof.

Legal Description *(must match plat legal description)*

Include reference to and copy(ies) of original deeds vesting title to current owner(s)

See copy of deed attached hereto as Exhibit "A" recorded in Official Records Book 23013, Page 1853, Official Records of Palm Beach County.

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

Names of all Owner(s) of Record:

Riviera Beach Community Redevelopment Agency, a body corporate and politic created pursuant to Part II, Chapter 163, Florida Statutes

NOTE: If any property owner is a partnership or trust, please include the names of all partner(s) or trustee(s) who are required to execute the plat dedication.

Subject to the following:

Mortgage(s) of Record *(if none, state none):*

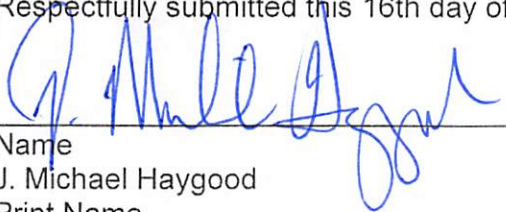
(If any mortgage holder is a partnership or trust, please include the names of all partner(s) or trustee(s) who are required to execute the plat dedication.

None

List of easements and Rights-of-Way lying within the plat boundaries *(if none, state none)*. (Attach copies of all recorded document(s) [excluding recorded plats].

2 ½ Easement along the North Property line of Lots 22, 23, and 24, Block 6, Blue Heron Park, an Addition to the City of Riviera Beach, Florida according to the map or plat thereof as recorded in Plat Book 20, Page 87, Public Records of Palm Beach County, Florida.

I HEREBY CERTIFY that the foregoing report reflects a comprehensive search of the Public Records of Palm Beach County, Florida, affecting the above described property. I further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar. Respectfully submitted this 16th day of November, 2020.



Name

J. Michael Haygood

Print Name

Florida Bar No. 199613

CFN 20080461148
OR BK 23013 PG 1853
RECORDED 12/31/2008 08:45:48
Palm Beach County, Florida
AMT 140,000.00
Doc Stamp 980.00
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 1853 - 1854; (2pgs)

W.C. 11
MP
→ Prepared by and return to:
George W. Mathews, III
Vice President
First Priority Title Company
1325 South Congress Avenue Suite 104
Boynton Beach, FL 33426

File Number: 08-1211-NT
Will Call No. 13MP

Parcel Identification No. 56-43-42-28-04-006-0220

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 24nd day of December, 2008 between Blue Heron Crossing, LLC, a Florida limited company whose post office address is 365 NE Gulfstream Ave., Port Saint Lucie, FL 34983 of the County of Saint Lucie, State of Florida, grantor*, and Riviera Beach Community Redevelopment Agency, a Dependent Special District whose post office address is 2001 Broadway, Suite 300, Riviera Beach, FL 33404 of the County of Palm Beach, State of Florida, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Palm Beach County, Florida, to-wit:

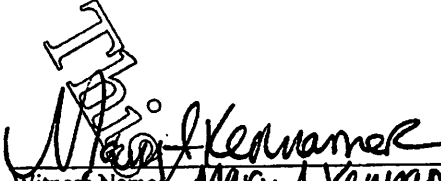
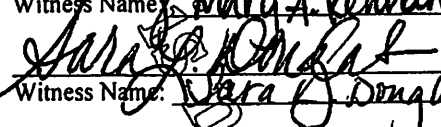
Lots 22, 23 and 24, Block 6, BLUE HERON PARK, AN ADDITION TO THE CITY OF RIVIERA BEACH, FLORIDA, according to the Plat thereof, as recorded in Plat Book 20, Page 87, of the Public Records of Palm Beach County, Florida; LESS the South seven feet (7') thereof.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Name: Mary A. Kenner

Witness Name: Sara P. Douglas

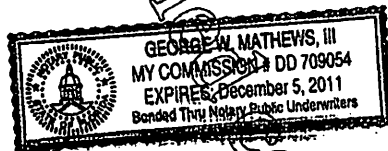
Blue Heron Crossing, LLC,
a Florida limited liability company

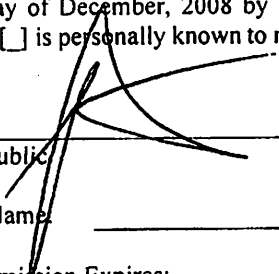
By: 
Roger Yespy, Managing Member

State of Florida
County of Palm Beach

The foregoing instrument was acknowledged before me this 24th day of December, 2008 by Roger Yespy, Managing Member of Blue Heron Crossing, LLC, on behalf of the corporation. He ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]



Notary Public 

Printed Name: _____

My Commission Expires: _____

**CITY OF RIVIERA BEACH CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 8/18/2021

Agenda Category: DISCUSSION AND DELIBERATION

Subject: DISCUSSION ON REVISING THE COMPOSITION OF THE CITY'S CANVASSING BOARD

Recommendation/Motion: Staff seeks the City Council's decision concerning the composition of the City's Canvassing Board.

Originating Dept	OFFICE OF THE CITY CLERK	Costs
User Dept.	OFFICE OF THE CITY CLERK	Funding Source
Advertised	No	Budget Account Number
Date		
Paper		
Affected Parties	Not Required	

Background/Summary:

At the August 4, 2021 City Council Meeting, the elected body made the decision to postpone the approval of Ordinance No. 4176 on first reading until the first meeting in September which is September 1, 2021.

This decision was partly based upon the Board's desire to hear the presentation of Palm Beach County Supervisor Of Elections Wendy Sartory Link concerning the County Canvassing Board serving as the canvassing board for the City's Municipal Elections.

Also attached, you will find communication from PBCSOE Wendy Sartory Link proffering the County Canvassing Board serving as the canvassing board for municipal elections. This option was not included in the proposed ordinance; however, the City Council has the authority to select this option.

If the Board chooses to revise the composition of the City's Canvassing Board, staff will place a proposed ordinance, reflecting the Board's decision, on the September 1, 2021 City Council Meeting Agenda for approval on first reading. If approved on first reading, the ordinance heading will be advertised and placed on the agenda for the September 15, 2021 City Council Meeting.

Fiscal Years

Capital Expenditures

Operating Costs

External Revenues

Program Income (city)

In-kind Match (city)

Net Fiscal Impact

**NO. Additional FTE Positions
(cumulative)**

III. Review Comments

A. Finance Department Comments:

B. Purchasing/Intergovernmental Relations/Grants Comments:

C. Department Director Review:

Contract Start Date

Contract End Date

Renewal Start Date

Renewal End Date

Number of 12 month terms this renewal

Dollar Amount

Contractor Company Name

Contractor Contact

Contractor Address

Contractor Phone Number

Contractor Email

Type of Contract

Describe

ATTACHMENTS:

File Name	Description	Upload Date	Type
DISCUSSION_ON_REVISING_THE_COMPOSITION_OF_THE_CANVASSING_BOARD.docx	COVER MEMO	8/11/2021	Cover Memo
COMMUNICATION_FROM_SOE.pdf	COMMUNICATION FROM PBCSOE	8/6/2021	Backup Material
PROPOSE_ELECTION_ORDINANCE_DRAFT.pdf	DRAFT OF ORDINANCE NO 4176	8/11/2021	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Robinson, Claudene	Approved	8/6/2021 - 5:19 PM
Purchasing	Williams, Glendora	Approved	8/9/2021 - 2:22 PM
Finance	sherman, randy	Approved	8/10/2021 - 5:47 PM
Attorney	Busby, Lina	Approved	8/11/2021 - 10:44 AM
City Clerk	Robinson, Claudene	Approved	8/11/2021 - 11:13 AM
City Manager	Jacobs, Deirdre	Approved	8/11/2021 - 7:49 PM



"The Best Waterfront City in Which to Live, Work and Play."

CITY OF RIVIERA BEACH – MEMORANDUM

TO: HON. MAYOR, CHAIRPERSON, AND CITY COUNCIL

THROUGH: JONATHAN E. EVANS, CITY MANAGER, , MPA, MBA, ICMA-CM

FROM: CLAUDENE L. ANTHONY, CMC, CITY CLERK

SUBJECT: PROPOSED REVISION TO THE CITY’S CANVASSING BOARD

DATE: AUGUST 18, 2021

CC: GENERAL PUBLIC

Background:

Based upon the presentation by Palm Beach County Supervisor of Election Wendy Sartory Link earlier in the meeting, attached is a draft of Ordinance No. 4176 for further direction.

If the City Council chooses to revise the composition of the City’s Canvassing Board, staff will insert the City Council’s decision into the ordinance, and place it on the September 1, 2021, City Council Meeting Agenda for approval on first reading. If approved on first reading, the ordinance heading will be advertised and placed on the agenda for the September 15, 2021, City Council Meeting.

City Goals:

The Citywide goal is to conduct an election in accordance with Florida Election Laws, the City’s Charter, and Chapter 5 of the City’s Code of Ordinances.

Fiscal/Budget Impact:

There is no fiscal impact.



Recommendation:

Staff seeks the City Council's direction concerning the composition of the City's Canvassing Board.

Attachments:

Communication from Palm Beach County Supervisor of Elections Office





Dear Municipal Clerks, Commissions, and Councils,

Congratulations to those of you who participated in a successful 2021 election cycle! The recent March Elections demonstrated the municipalities' commitment to democracy and to the voters of Palm Beach County. We were honored to work with you.

The Palm Beach County Supervisor of Elections office (SOE) is committed to facilitating secure, transparent, and accurate elections. To that end, due to updates in Florida Law in recent years, we have determined that certain changes in municipal charters and ordinances are necessary to ensure the efficient and cost-effective administration of future elections.

Qualifying Dates

To accommodate statutory vote-by-mail requirements, the SOE strongly recommends that each municipality who has not already done so amend its qualifying period so that its qualifying period ends on or before the 95th day before Election Day.

For example, qualifying for the March 8, 2022 election would end no later than Friday, December 3, 2021, allowing the SOE staff to program the necessary elections, create and proofread the ballot language, submit ballot templates to participating municipalities for approval, print vote-by-mail ballots, and prepare those ballots for mailing. We mail the military and overseas ballots 45 days before the election.

Failure to amend the qualifying period may result in the inability of the SOE to accommodate the elections of those municipalities. Our system does not allow us to "close" or move forward one city at a time, so any delay by one municipality results in our inability to move forward with the others.

Runoff Elections

While many municipalities no longer hold runoff elections, several still maintain provisions requiring a majority vote to win an election. Many municipalities have mentioned to us that the runoff elections are detrimental to their budgets because often the municipality has not budgeted for that expense. With so few holding runoff elections, the municipality does not benefit from the same degree of cost sharing as a Uniform Municipal Election that is held simultaneously with other municipalities. The county does not fund the municipal elections.

Please understand that we are happy to hold runoff elections, but are cognizant of the cost burden it places on municipalities. If you determine that you no longer wish to have runoff elections, please revise your charters or ordinances accordingly.



Wendy Sartory Link
Palm Beach County Supervisor of Elections
www.pbcelections.org

Polling Locations

It has come to our attention that some charters include provisions requiring specific polling locations or specifying that polling locations be within city or town limits. While this may not present an issue for stand-alone elections, when municipalities wish to participate in uniform or countywide elections, this becomes logistically problematic and expensive, if not impossible. The SOE urges municipalities to remove any provisions to this effect, as it will be impossible to guarantee specific polling locations in future elections if the municipality is joining a countywide election.

Single Canvassing Board for Uniform Municipal Elections

The final question presented for consideration by the municipalities is the designation of the Palm Beach County Supervisor of Elections as the official Supervisor of each Uniform Municipal Election, such that one single Canvassing Board may be empowered to canvass all of the municipal elections held simultaneously on a given day. The municipal clerks would still be qualifying officers for their municipality's candidates.

This is an optional service, and each municipality can make its own determination as to whether they want to designate the Palm Beach County Supervisor of Elections as the official Supervisor of their election. As required under the Florida election laws, at least one (1) member of the Canvassing Board is required to be present during activities such as the pre-election testing of tabulation equipment (the Logic and Accuracy test), opening, tabulation, duplication, and the canvassing of ballots. A municipality may choose to maintain its own Canvassing Board; however, if they choose to do so, the Supervisor of Elections may elect not to serve as a Canvassing Board member for that municipality.

In some municipalities, an election may be required in order to make these changes. The Secretary of State has called for a Special Primary Election on November 2, 2021, for the U.S. House of Representatives District 20 seat. While this district may not include a municipality that would be required to have an election, we will be happy to accommodate a municipality that wishes to do so. (If the municipality is within Congressional District 20, it would also result in a cost savings to that municipality.) Please let the Supervisor of Elections know by July 15, 2021, whether your municipality plans to participate in the November 2, 2021 election. We will not be able to hold an election outside of this date.



Wendy Sartory Link
Palm Beach County Supervisor of Elections
www.pbcelections.org

Again, congratulations on a successful election season. The Palm Beach County Supervisor of Elections looks forward to many future elections in partnership with our local governments.

Sincerely,

Wendy Sartory Link
Supervisor of Elections Palm Beach County

ORDINANCE NO. 4176

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 5 ENTITLED "ELECTIONS", ARTICLE I, "IN GENERAL", SECTION 5-11 ENTITLED "CANVASSING; CERTIFICATION OF ELECTION" (A) OF THE CITY'S CODE OF ORDINANCES; BY REVISING THE SELECTION PROCESS AND COMPOSITION OF THE CITY'S CANVASSING BOARD FOR MUNICIPAL ELECTIONS; AUTHORIZING RENUMERATION OF SAID CHAPTER, IF NECESSARY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, following the last municipal election, the City Council of the City of Riviera Beach requested changes to Chapter 5, Article I, Section 5-11 (a) of the Code of Ordinances, to include language to make the chapter clearer and easier to understand; and

WHEREAS, staff conducted a review of the composition of canvassing boards in surrounding municipalities and found that the proposed language of this Ordinance was consistent with the best practices of other local municipalities; and

WHEREAS, the proposed language of this Ordinance will remove the City Clerk's ability to appoint a City Council member to the canvassing board and provide the City Council with the ability to appoint a member to the canvassing board; and

WHEREAS, the City Council finds that enactment of this Ordinance amending Chapter 5, Article I, Section 5-11 (a) of the Code of Ordinances, entitled "Elections" promotes the health, safety, and welfare of the general public.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, AS FOLLOWS:

SECTION 1: The foregoing recitals are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

SECTION 2: Chapter 5, "Elections", Article I, "In General", of the City's Code of Ordinances is hereby amended to read as follows (additions are underlined and deletions appear in ~~strikethrough~~ format):

* * *

Sec. 5-11. - Canvassing; certification of election.

~~(a) The city clerk, the deputy city clerk and one councilperson who is not up for reelection shall constitute the canvassing board. The councilperson requested to serve on the canvassing board shall be designated by the city clerk.~~

(a) The Canvassing Board shall consist of the city clerk or designee, the deputy city clerk, an individual selected by the City Council or designee and an alternate member. The City Council shall select these individuals no later than the first (1st) Wednesday in October prior to an election year. Any selected individual, including a councilmember, shall not be a candidate in the election being canvassed. No Canvassing Board member, to include the alternate member, shall be involved with or be an active participant in the campaign or candidacy of any candidate in the election being canvassed. In the event a Canvassing Board member, to include the alternate member, is unable to serve, the City Council shall appoint an additional member to the Board.

The Canvassing Board shall conduct themselves and carry out responsibilities in accordance with applicable Florida Election laws, the City Charter and Code of Ordinances.

SECTION 3: SEVERABILITY. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. CODIFICATION. That it is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and are made a part of the Code of Ordinances for the City of Riviera Beach; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word, when necessary.

SECTION 5. REPEAL OF LAWS IN CONFLICT. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. EFFECTIVE DATE. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED and APPROVED on first reading this _____ day of _____, 2021.

PASSED and ADOPTED on second and final reading this _____ day of _____, 2021.

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ORDINANCE NO. 4176
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APPROVED:

RONNIE L. FELDER
MAYOR

SHIRLEY D. LANIER
CHAIRPERSON

ATTEST:

KASHAMBA MILLER-ANDERSON
CHAIR PRO TEM

CLAUDENE L. ANTHONY,
CERTIFIED MUNICIPAL CLERK
CITY CLERK

TRADRICK MCCOY
COUNCILPERSON

JULIA A. BOTEL, Ed.D.
COUNCILPERSON

DOUGLAS A. LAWSON
COUNCILPERSON

Reviewed as to Legal Sufficiency

DAWN S. WYNN, CITY ATTORNEY

DATE: _____

ORDINANCE NO. 4176
PAGE 5 OF 5

1ST READING

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____

2ND & FINAL READING

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____