MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
MARCH 4, 2014 – 6:00 PM

The meeting was called to order by Mayor Triolo on the above date at 6:01 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth, Florida.

1. **ROLL CALL:**

Present were Mayor Pam Triolo; Vice Mayor Scott Maxwell; and Commissioners Christopher McVoy, Andy Amoroso, and John Szerdi. Also present were City Manager Michael Bornstein, City Attorney Glen Torcivia, and City Clerk Pamela Lopez.

2. **INVOCATION:**

The invocation was offered by Ted Brownstein of the BAHA'I Faith of Lake Worth.

3. **PLEDGE OF ALLEGIANCE:**

The pledge of allegiance was led by Commissioner John Szerdi.

4. **AGENDA - Additions/Deletions/Reordering:**

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to waive the rules to:

- Reorder Consent Agenda, Item C to New Business as Item B; and
- Approve the agenda as amended.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

5. **PRESENTATIONS:**

A. Proclamation declaring March 2014 as LGBTQ Pride Month

Mayor Triolo announced that the LGBTQ Pride Month proclamation was read on the steps of City Hall at 5:30 PM.

B. Present the gift of "Feels Like Home to Me" song to the City

Maryellen Healy showed a video of residents' involved in activities that her "Feel Like Home to Me" song was about. The video was created through the collaboration of Vincent Cerniglia, herself, and AnnaMaria Hunt. She announced that she reserved rights to the song; however, she was granting the City a right to use it.

C. Update provided by the Pineapple Beach Neighborhood Association

Pam Bergsma, President, announced that this was a newly formed neighborhood association and provided an update on their activities.

D. Update provided by the City Tree Board

Richard Stowe, Chairperson, provided an update on the City Tree Board's activities. He said the Board members recommended replacing a Ficus Tree, cut down at the Cultural Plaza, with a Green Buttonwood Tree and tagging illegal hat-racked trees.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Vice Mayor Maxwell: commented that the Street Painting Festival was an awesome event and thanked neighborhood associations' volunteers; said he participated in a presentation with Sacred Heart Catholic School for officials from Notre Dame School to partner with struggling schools and said they were being considered by Notre Dame; commented that he was lobbying in Washington, DC and Tallahassee on use of the Federal Emergency Management Agency (FEMA) flood plain maps, was working hard to slow town its implementation because it would have a negative impact on homeowners, and asked everyone to call their Congressman; and said there was legislation in Tallahassee to define sober homes and that there was a need to regulate their locations.

Commissioner McVoy: said he supported the FEMA maps being accurate, would keep an eye on water levels rising, and announced his attendance at a Guatemalan/Mayan community meeting to discuss their concerns. He showed a banner-type drawing by the attendees about their concerns. He asked that the drawing be hung in the City Hall hallway.

Commissioner Amoroso: announced the Lake Worth Playhouse was having a fund raiser event on March 5, 2014; announced March was Gay Pride Month and invited everyone to attend Pride events scheduled during March; and announced a Celebration of Love demonstration on March 23, 2014, to support legalizing gay marriages in Florida.

Commissioner Szerdi: asked for consensus from the Commission to address seasonal residents purchasing beach parking decals at the next meeting; said The Cottages website was unique and recommended people visit it; said the Feels Like Home to Me song was nice and appreciated Ms. Healy's efforts; and announced the 3rd Annual Flolfing event on March 22, 2014.

Consent: To schedule discussion about the beach parking decal ordinance on the March 18, 2014, Commission agenda.

Mayor Triolo: thanked Bruce and Maryanne Webber and City staff for the 20th Anniversary of the Street Painting Festival, commented that the Metropolitan Planning Organization was looking for railway crossing funding sources, and asked everyone to encourage a "What I Would Do If I Was Mayor" writing essay contest for 7th grade students.

7. PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

The following individuals spoke on issues written on their comment cards:

Mary Lindsey said she was proud of those neighborhood associations who received over $23,000 in grant funds and announced the Neighborhood Association Presidents' Council unanimously voted in support of a major league baseball training camp at John Prince Park.

Tripp Cioci said John Prince Park had a deed restriction in which the property reverted back to the State if it was no longer used as a park. A baseball training camp at John Prince Park would require State approval.

Jennifer Marchal commented that she founded the Residents Of Lake Osborne Neighborhood Association eight years ago, was a member of the City's Finance Advisory Board, and asked the Commission to vote against Resolution No. 10-2014 supporting a major league baseball training camp at John Prince Park. She said the baseball stadium would not solve Lake Worth's problems, would not increase the surrounding areas' property values, would not solve blight because there was no blight in the west, the City would not receive any tax revenues, and said she had a quiet entitlement right to her home.

Maryellen Healy and Vincent Cerniglia sang "Take Me Out to the Ball Game."

Dave Palombo supported the location of a baseball spring training camp because of the economic impact it would have on the area and would "put the City over the top."

Peter LiPreti asked the City to review the beach parking decal issue for part-time residents.

Philip Spinelli said the Commission was doing a great job, supported the direction the City was going, supported the baseball spring training camp, said the camp would be an asset to the City, and the camp would connect the beach and golf course with the western side of the City.

Katie McGiveron said that, as Vice President of the Residents Of Lake

Osborne Neighborhood Association, the camp would have a direct impact on her neighborhood, said no one contacted her neighborhood association about the issue, adoption of the resolution was premature, and said she was disappointed in her fellow neighborhood associations supporting this issue without getting all of the facts. She commented that she did not support issuing beach parking decals to seasonal residents because there were only 50 decal parking spaces.

Terry Brokovich said a spring baseball training camp would have an economic impact, most games at the Roger Dean spring training camp ended at 4 PM so there would be no lights shown on neighboring properties, the City could work with the State, and asked everyone to "look outside the box."

Shanon Materio thanked the Commission for "flushing out" all of the baseball training camp County and State information, the camp would have an economic impact on the area, and was a family-oriented opportunity.

Teresa Miller said The Cottages was working on their website, invited everyone to the Lake Worth Playhouse's fundraiser event, and supported the baseball spring training camp.

Marty Welfeld said he supported the spring training camp because it was a new opportunity and needed to be scrutinized.

John Rinaldi commented that the Planning and Zoning Board's activities were slow and the economy was not booming. He said he supported the spring training camp and economic development. The Dixie Highway corridor was not busy because there were no cars traveling on the road. He asked the Commission to recognize Maryanne Webber for her work during the Street Painting Festival.

Peggy Fisher said she supported the spring training camp because it was important for the community, surrounding areas, and County. She said she had no problem finding parking in the beach decal parking lot.

The following individuals spoke on various issues; however, they did not write anything on their comment cards: Peter Timm, Mike Hill, Greg Rice, and Loretta Sharpe.

Mayor Triolo read the comments written by the following individuals:

Dale Hulen wrote that baseball would be great for Lake Worth.

Dustin Zacks wrote that he supported a major league baseball training camp at John Prince Park.

Dawn Saylor wrote that the [resolution] gave families a great positive way to

spend time together and kept young players off the streets and focused to meet their goals of becoming professionals themselves. [The resolution] also brought lots of work and money to the City.

Robert Hodge wrote that [a baseball camp] was a great idea as it would bring more jobs to Lake Worth and would keep baseball alive in a child's eye. [He wrote asking everyone] to remember that children were the future and [the camp] would help the economy.

Commissioner Amoroso left the meeting at 7:29 PM and returned at 7:32 PM.

Request/comment summary:

1. Commissioner McVoy suggested an amendment to Resolution No. 10-2014 to add language that the City would seek the support of the surrounding communities and that their concerns would be considered.

8. APPROVAL OF MINUTES:

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to approve the following minutes as submitted:

A. City Commission Meeting – February 11, 2014

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

9. CONSENT AGENDA:

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Szerdi to approve the Consent Agenda, less Item C.

A. Contract with Mathews Consulting, Inc. for engineering services for the 7th Avenue South roadway improvements project

B. Appoint the Finance Director to the Employees and Police Retirement Systems Pension Boards

C. (Reordered to New Business as Item B) Resolution No. 08-2014 – declare the City's intent to issue a revocable permit for property located at 1501 North L Street and schedule the public hearing date for March 18, 2014

D. Resolution No. 09-2014 – create a domestic partnership tax equity program

City Attorney Torcivia did not read the following resolution by title only:

RESOLUTION NO. 09-2014 OF THE CITY OF LAKE WORTH, FLORIDA, AUTHORIZING THE ESTABLISHMENT OF A DOMESTIC PARTNERSHIP TAX EQUITY PROGRAM; AND AUTHORIZING THE CITY MANAGER TO TAKE ANY AND ALL ACTION NECESSARY TO IMPLEMENT THE DOMESTIC PARTNERSHIP TAX EQUITY PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

E. Resolution No. 10-2014 – support a major league baseball training camp at John Prince Park

City Attorney Torcivia did not read the following resolution by title only:

RESOLUTION NO. 10-2014 OF THE CITY OF LAKE WORTH, FLORIDA, SUPPORTING A MAJOR LEAGUE BASEBALL TRAINING CAMP AT JOHN PRINCE PARK; AND PROVIDING AN EFFECTIVE DATE.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell, and Commissioners Amoroso and Szerdi. NAYS: Commissioner McVoy.

Mayor Triolo recessed the meeting at 7:40 PM and reconvened at 7:57 PM.

10. PUBLIC HEARINGS:

A. Ordinance No. 2014-08 – First Reading and First Public Hearing – amend conditional uses in the Mixed Use-Federal Highway (MU-FH) zoning district and schedule the second public hearing date for March 18, 2014

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2014-08 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES; REGARDING ZONING DISTRICTS; AMENDING THE MIXED USE FEDERAL HIGHWAY ZONING DISTRICT ARTICLE 3 DIVISION 3; PROVIDING FOR SEVERABILITY; CONFLICTING ORDINANCES REPEALED; CODIFICATION CLAUSE; AND EFFECTIVE DATE.

William Waters, Community Sustainability Director, explained that the ordinance would amend the conditional uses allowed in the Mixed Use-Federal Highway zoning district to allow medical office and related uses such as day spas to be located on North Federal Highway north of 13th Avenue North.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Szerdi to approve Ordinance No. 2014-08 on first reading and first public hearing and schedule the second reading and second public hearing date for March 18, 2014.

Mayor Triolo announced that it was time for public comment.

Peter Timm asked about other businesses being allowed in the zoning district.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

11. UNFINISHED BUSINESS:

There were no Unfinished Business items on the agenda.

12. NEW BUSINESS:

A. Ordinance No. 2014-09 – First Reading – create Registered Domestic Partnerships and schedule the public hearing date for March 18, 2014

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2014-09 OF THE CITY OF LAKE WORTH, FLORIDA, TO ADD ARTICLE III, REGISTERED DOMESTIC PARTNERSHIPS, TO CHAPTER 20, CIVIL RIGHTS, OF THE CODE OF ORDINANCES TO PROVIDE FOR REGISTRATION OF DOMESTIC PARTNERSHIPS WITH CERTAIN LEGAL RIGHTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to approve Ordinance No. 2014-09 on first reading and schedule the public hearing date for March 18, 2014.

Mayor Triolo announced that it was time for public comment.

Peter Timm said he did not understand the benefit individuals would receive.

Mayor Triolo read the written comment by Steve Carr. Mr. Carr wrote that Lake Worth had traditionally been supportive of gay, lesbian, bisexual, and transgender equality and furthering diversity and equality. This action furthered that support and helped send the message that all people were equal and deserved equal rights.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

B. (Formerly Consent Agenda, Item C) Resolution No. 08-2014 – declare the City's intent to issue a revocable permit for property located at 1501 North L Street and schedule the public hearing date for March 18, 2014

City Attorney Torcivia did not read the following resolution by title only:

RESOLUTION NO. 08-2014 OF THE CITY OF LAKE WORTH, FLORIDA, DECLARING THE INTENTION OF THE CITY COMMISSION TO CONSIDER GRANTING A REVOCABLE PERMIT ON A PORTION OF THE CITY OWNED RIGHT-OF-WAY AT 15th AVENUE NORTH AND NORTH "L" STREET TO HARRY F. BORDERS AND ROSALIND BORDERS; SETTING A PUBLIC HEARING TO HEAR AND CONSIDER OBJECTIONS TO AND PROTESTS AGAINST THE PROPOSED REVOCABLE PERMIT; PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Lopez explained that the resolution erroneously described the property as being the south 20 feet of a public right-of-way and it should have been written as the north 20 feet. She asked that the resolution be approved with that amendment.

Request/comment summary:

1. Mayor Triolo requested parameters for issuing all revocable permits be addressed.

2. Commissioner Szerdi requested staff create a policy for consistent issuance of revocable permits.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Szerdi to change "south" to "north" in Section 2 and approve amended Resolution No. 08-2014.

Mayor Triolo announced that it was time for public comment.

Harry Borders said his son lived at the property, he understood the need to preserve the City's right to use its right-of-way, said the City was not maintaining the right-of-way, and the permit could be revoked. He said that, if the City wanted to improve Lake Worth, then he asked the Commission to let someone be allowed a quiet enjoyment.

Nadine Burns said public rights-of-way at 14th and 15th Avenues North and J, L, and M Streets were previously revoked and personally maintained by adjourning property owners. She said approval of the resolution was a good move and supported the issue.

Peter Timm recommended the City sell the public right-of-way to the adjacent property owners and letting them pay taxes on the property.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

13. LAKE WORTH ELECTRIC UTILITY:

A. PRESENTATION:

1) Update on the electric utility system

Clayton Lindstrom, Electric Director, provided an update on when a damaged transformer, struck by lightning in September 2013, would be returned; announced a revenue increase of about $160,000 since implementing their meter change program; said there was one theft of electric service per day; and the City was being aggressive to catch the thieves.

B. CONSENT AGENDA:

There were no Lake Worth Electric Utility Consent Agenda items on the agenda.

C. PUBLIC HEARING:

There were no Lake Worth Electric Utility Public Hearing items on the agenda.

D. NEW BUSINESS:

There were no Lake Worth Electric Utility New Business items on the agenda.

14. CITY ATTORNEY'S REPORT:

A. Mediated Settlement Agreement in the case of the City of Lake Worth versus Board of Trustees of the Lake Worth Firefighters' Pension Trust Fund

City Attorney Torcivia explained that the agreement would settle litigation with the Board of Trustees of the Lake Worth Firefighters' Pension Trust Fund and their unknown members and beneficiaries regarding their calculation benefits. He said the Board had interpreted a provision of the pension ordinance which increased the City's expenditure by approximately $270,000 a year for the next 30 years. After mediation, a proposed Settlement Agreement was reached which reduced the expenditure by approximately 50%. It was anticipated that contributions would be reduced

by approximately $135,000 a year for the next 30 years, which would reduce the City's unfunded liability accordingly.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Szerdi to approve a Mediated Settlement Agreement.

Mayor Triolo announced that it was time for public comment. No one from the public commented.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

Request/comment summary:

1. Commissioner Amoroso requested an update in April on existing lawsuits.

15. CITY MANAGER'S REPORT

A. March 18, 2014 – draft Commission agenda

City Manager Bornstein did not provide a report.

16. ADJOURNMENT:

Action: Motion made by Commissioner Szerdi and seconded by Commissioner McVoy to adjourn the meeting at 8:31 PM.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

PAM TRIOLO, MAYOR

ATTEST:

PAMELA J. LOPEZ, CITY CLERK

Minutes Approved: March 18, 2014

A digital audio recording of this meeting will be available in the Office of the City Clerk.