

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
AUGUST 19, 2014 – 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:00 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 (arrived 6:04 PM), 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 Pastor Ansten Tretten of Apostolic Lutheran Catholic Church of Lake Worth.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Commissioner Andy Amoroso.

4. AGENDA - Additions/Deletions/Reordering:

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

- Add to Presentations, Item E and reorder before Presentations, Item A – Recognize the retirement of Phil Donovan for his years of service and contributions;
- Delete Consent Agenda, Item N – Contract with Lanzo Lining for the Mobile Home Park Sanitary Lining Project; and
- Approve the agenda as amended.

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

5. PRESENTATIONS:

E. (Added and reordered before Item A) Recognize the retirement of Phil Donovan for his years of service and contribution

Mayor Triolo read the historical employment background of Phil Donovan.

Commissioner McVoy arrived, the time being 6:04 PM.

Larry Johnson, Water Utility Director, presented a framed picture signed by staff to Mr. Donovan for his years of service.

Mayor Triolo presented Mr. Donovan with a glass trophy.

A. Proclamation declaring August 2014 as Florida Water Professionals Month

Mayor Triolo read a proclamation declaring August 2014 as Florida Water Professionals Month.

B. Proclamation recognizing August 22, 2014 as Jewell Founders Day

Mayor Triolo read a proclamation recognizing August 22, 2014, as Jewell Founders Day.

C. Update provided by the Planning & Zoning Board

John Rinaldi, Chairperson, explained the Planning & Zoning Board's power and duties, the number of meetings attended, and activities since their last update.

D. Update provided by College Park Neighborhood Association

Mary Lindsey, Neighborhood Association President, provided an update on the College Park Neighborhood Association's activities.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner Szerdi: announced his attendance at a sustainable cities seminar about climate change and sustainability last month, said he would provide information and presentations from the seminar, and provided an update on Neighborhood Association Presidents Council issues.

Commissioner Amoroso: announced Evenings on the Avenue would begin in September; a beach cleanup event on August 30, 2014; and his attendance at a Florida League of Cities conference last weekend. He said he would share information from the conference with staff.

Vice Mayor Maxwell left the meeting at 7:00 PM and returned at 7:04 PM.

Commissioner McVoy: showed a PowerPoint presentation on information learned from his attendance at the Florida League of Cities conference he attended last weekend.

Vice Mayor Maxwell: offered no comments.

Mayor Triolo: provided an update on her meeting to discuss the City's appeal with the Federal Emergency Management Agency (FEMA) in Washington, DC; said she met with Congresswoman Frankel, Congressman Hastings, Senator Rubio's staff, and Senator Nelson about funds for infrastructure.

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

Mayor Triolo read the comment written by Laurence McNamara. Mr. McNamara wrote that in 2002, Flagler Drive was completely redone from the road bed up. It was silky smooth. Twelve years later, it resembled a mottled wash board. This Commission wanted to put [residents] in a 30 year, \$63.5 million debt for work that would last for twelve years only. Next Tuesday [August 26, 2014], vote against this irresponsible waste of taxpayer dollars.

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

The following individual spoke on issues written on her comment card:

Joanne Kelly said her neighborhood association visited the recycling plant and learned how it was sorted. She asked the City to update its refuse recycling website to include more explicit and non-explicit items.

8. APPROVAL OF MINUTES:

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

- A. City Commission Budget Work Session – June 24, 2014**
- B. City Commission Meeting – July 1, 2014**
- C. City Commission Budget Work Session – July 7, 2014**
- D. City Commission Special Meeting – July 8, 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 Commissioner Szerdi and seconded by Commissioner Amoroso to approve the Consent Agenda, less Item N.

- A. Resolution No. 40-2014 – accept a \$50,000 Florida Recreation Development Assistance Program grant for the Northwest Park playground**

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

RESOLUTION NO. 40-2014 OF THE CITY OF LAKE WORTH, FLORIDA, AUTHORIZING THE ACCEPTANCE OF AN AWARD FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF OPERATIONS, LAND AND RECREATION GRANTS FOR GRANT FUNDS PROVIDED THROUGH THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM IN THE AMOUNT OF \$50,000; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

B. Resolution No. 41-2014 – amendment #2 to the Florida Boating Improvement Program grant agreement

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

RESOLUTION NO. 41-2014 OF THE CITY OF LAKE WORTH, FLORIDA, APPROVING AMENDMENT NO. 2 TO THE FLORIDA BOATING IMPROVEMENT PROGRAM GRANT AGREEMENT NO. 09020 FOR THE BRYANT PARK BOAT RAMP IMPROVEMENTS PROJECT TO EXTEND THE TIME FOR PROJECT COMPLETION TO DECEMBER 30, 2014, AND TO EXTEND THE TERM OF AGREEMENT UNTIL DECEMBER 31, 2034; AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 2 TO THE GRANT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

C. Resolution No. 42-2014 – declare expenditures of City funds for refreshments to be a public purpose

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

RESOLUTION NO. 42-2014 OF THE CITY OF LAKE WORTH, AMENDING CITY RESOLUTION 27-2014 DECLARING EXPENDITURES OF CITY FUNDS FOR FOOD/REFRESHMENTS FOR CERTAIN EVENTS - AS VALID PUBLIC PURPOSES; AND, PROVIDING FOR AN EFFECTIVE DATE.

D. Contract with Thompson Consulting Services, LLC for debris monitoring

E. Variance agreement with Cathy and Michael Casella to allow brick pavers on a driveway and City right-of-way at 9 Harbor Drive

F. Purchase four trucks from Alan Jay Fleet Sales for use by the Water Distribution and Sewer Collection Division

- G. Purchase a crane truck from Duval Ford Fleet Sales for use by the Water Distribution and Sewer Collection Division**
- H. Continuing contract with Community Champions Corporation to provide vacant, foreclosed and abandoned property registration services**
- I. Professional services agreement with NZ Consultants, Inc. to provide current and long range planning, zoning and historic preservation services**
- J. Continuing agreement with Anchors Emergency Board Up Services, Inc. for board and secure services under the Code Compliance Remediation program**
- K. Accept a dedicated right-of-way along Boutwell Road from West Coast Waters, LLC**
- L. Contractor agreement with R&D Paving, LLC for the Golf Course Cart Path Improvements Project**
- M. Renew a submerged land lease with the State Department of Environmental Protection for the operation of the William O'Lockhart Municipal Pier**
- N. (Deleted) Contract with Lanzo Lining for the Mobile Home Park Sanitary Lining Project**
- O. Interlocal agreement with Palm Beach County regarding Open Cuts Under County Thoroughfare Roads**
- P. Contract with Johnson-Davis for the construction of the Regional Wastewater Forcemain Air Release Valve Replacement**
- Q. Contract with Florida Design Contractors, Inc. and Mock Roos and Associates for the construction of Water Treatment Plant Disinfection System and Instrumentation Improvements**
- R. Ratify board members to various City advisory boards**
- S. Contract with Keefe McCullough for audit services for Fiscal Years 2014-2016**

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

Mayor Triolo recessed the meeting at 7:32 PM and reconvened at 7:47 PM.

10. PUBLIC HEARINGS:

A. Resolution No. 39-2014 – Public Hearing – abandon a portion of a 10 foot utility easement

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

RESOLUTION NO. 39-2014 OF THE CITY OF LAKE WORTH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF A 10 FOOT UTILITY EASEMENT LYING NORTH AND SOUTH, OVER, UNDER AND ACROSS BLOCK 2, DONORA PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 13 PAGE 36 OF PALM BEACH COUNTY PUBLIC RECORDS; PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Szerdi to approve Resolution No. 39-2014.

William Waters, Community Sustainability Director, explained that West Coast Waters, LLC through Dominick Pagano its managing member, petitioned to abandon a City utility easement. The request was made because their proposed warehouse facility was to be constructed over a utility easement. As a condition of approval, by the Planning & Zoning Board, for their site plan and construction of the warehouse, the abandonment was required.

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.

B. Ordinance No. 2014-22 – First Reading and First Public Hearing – amend LDRs and schedule the second public hearing date for September 9, 2014

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2014-22 OF THE CITY COMMISSION OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23 LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES TO ADOPT MINOR REVISIONS TO THE CITY LAND DEVELOPMENT REGULATIONS BY

AMENDING ARTICLE 1 GENERAL PROVISIONS, DIVISION 2, SECTION 23.1-12 DEFINITIONS; ARTICLE 2, DIVISION 1, SECTION 23.2-4 DEPARTMENT FOR COMMUNITY SUSTAINABILITY; ARTICLE 2, DIVISION 1, 23.2-6 SITE PLAN REVIEW COMMITTEE; ARTICLE 2, DIVISION 1 SECTION 23.2-9, SUMMARY ILLUSTRATIVE AUTHORITY; ARTICLE 2, DIVISION 2, SECTION 2-13 STAFF REVIEW; ARTICLE 2, DIVISION 2, SECTION 2.2-16 QUASI-JUDICIAL PROCEDURES; ARTICLE 2, DIVISION 3, SECTION 23.2-28 ADMINISTRATIVE ADJUSTMENTS/ADMINISTRATIVE USE PERMITS; ARTICLE 2, DIVISION 3, SECTION 23.2-29 CONDITIONAL USE PERMITS; ARTICLE 2, DIVISION 3, SECTION 23.2-30 SITE PLAN REVIEW; ARTICLE 3, DIVISION 1, SECTION 23.3-6 PERMITTED USE TABLE; ARTICLE 3, DIVISION 1, SECTION 23.3-13 MU-E-MIXED USE DISTRICT; ARTICLE 3, DIVISION 1, SECTION 23.3-18 MU-W MIXED USE-WEST DISTRICT; ARTICLE 3, DIVISION 1, SECTION 23.3-19 TOD-E TRANSIT ORIENTED DEVELOPMENT-EAST; ARTICLE 3, DIVISION 1, SECTION 23.3-20 TOD-W TRANSIT ORIENTED DEVELOPMENT-WEST; ARTICLE 3, DIVISION 1, SECTION 23.3-30 FEC CORRIDOR OVERLAY; ARTICLE 4, SECTION 23.4-10 OFF-STREET PARKING; CHAPTER 23, ARTICLE 5, SECTION 23.4-13, MEDIUM AND HIGH INTENSITY CONDITIONAL USES; ARTICLE 5, SECTION 23.5-1 SIGNS; ARTICLE 5, SECTION 23.5-3 NONCONFORMITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Szerdi to approve Ordinance No. 2014-22 on first reading and schedule the second public hearing date for September 9, 2014.

William Waters, Community Sustainability Director, explained that the ordinance amended six articles in the Land Development Regulation's General Provisions, Administration, Zoning Districts, Development Standards, and Supplemental Regulations as well as revised the permitted use, public notices, and review authority tables. He asked the Commission to amend the ordinance to change the minimum parking space requirements for Industrial or Manufacturing from 300 square feet to 1,000 square feet gross floor area.

Action: Amended motion made by Commissioner Amoroso and seconded by Commissioner Szerdi to amend Section 23.4.10(h) Off-Street Parking to change the minimum parking space requirements for Industrial or Manufacturing from 300 square feet to 1,000 square feet gross floor area; approve amended Ordinance No. 2014-22 on first reading; and schedule the second public hearing date for September 9, 2014.

Mayor Triolo announced that it was time for public comment.

Loretta Sharpe said she met with staff regarding a bed and breakfast establishment in a residential district and commented that staff was helpful. She said she was hearing great things about the Building Department staff.

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

C. Quasi-Judicial Public Hearing – request by David R. Styka (Family Dollar Store) for an alcohol distance/proximity waiver to allow the sale of beer and wine at 1908 Lake Worth Road

City Attorney Torcivia announced that this item was a quasi-judicial proceeding and swore in all individuals who would provide testimony. He asked if any of the Commissioners had ex parte communication.

Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi announced that they had no ex parte communication with the applicant or anyone regarding this issue.

William Waters, Community Sustainability Director, explained that the request allowed for the sale of beer and wine within 500 feet of a church, public or private school, park, library, or other place of business of a person holding a beverage license. He said the applicant proposed to allow off premise consumption from their existing retail store in an existing multi-tenant commercial building.

Lengthy discussion ensued regarding the number of stores within the City that sold alcohol and addressing this issue at a future work session.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Szerdi to approve PZB 14-00600001 Request for Distance Proximity Waiver for an alcohol license for the sale of beer and wine for off premises consumption (2APS) at 1908 Lake Worth Road.

Mayor Triolo announced that it was time for public comment.

Loretta Sharpe commented that she shopped at the Dollar Store and the store was always crowded. She said she did not think there was room in the store to sell beer and wine, the Commission denied a distance proximity waiver in the past, and opposed the request.

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

D. Quasi-Judicial Public Hearing – request by David R. Styka (Family Dollar Store) for an alcohol distance/proximity waiver to allow the sale of beer and wine at 1321 North Dixie Highway

City Attorney Torcivia announced that this item was a quasi-judicial proceeding and swore in all individuals who would provide testimony. He asked if any of the Commissioners had ex parte communication.

Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi announced that they had no ex parte communication with the applicant or anyone regarding this issue.

William Waters, Community Sustainability Director, explained that the request allowed for the sale of beer and wine within 500 feet of a church, public or private school, park, library, or other place of business of a person holding a beverage license. He said the applicant proposed to intensify an alcohol license to allow the sale of wine from their existing retail store in an existing multi-tenant commercial building.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Szerdi to approve PZB 14-00600002 Request for Distance Proximity Waiver for an alcohol license for the sale of beer and wine for off premises consumption (2APS) at 1321 North Dixie Highway.

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.

11. UNFINISHED BUSINESS:

There were no Unfinished Business items on the agenda.

12. NEW BUSINESS:

A. Ordinance No. 2014-23 – First Reading – establish candidate qualifying fee by resolution and schedule the public hearing date for September 9, 2014

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2014-23 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION; ARTICLE II, ELECTIONS OF THE CODE OF ORDINANCES TO AMEND SECTION 2-14.1, "CANDIDATE QUALIFYING PERIOD"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

City Manager Bornstein explained that the ordinance would allow for the establishment of candidate's qualifying fee to be set by resolution

Action: Motion made by Commissioner McVoy and seconded by Commissioner Amoroso to approve Ordinance No. 2014-23 and schedule the public hearing date for September 9, 2014.

Mayor Triolo announced that this was the 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.

B. Resolution No. 43-2014 – amend the date and time for the first budget public hearing

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

RESOLUTION NO. 43-2014 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING RESOLUTION No. 34-2014 TO CHANGE THE DATE AND TIME FOR THE FIRST HEARING ON THE TENTATIVE BUDGET; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Bornstein explained that the resolution changed the first public hearing date on the Proposed Tentative Operating Millage and proposed Fiscal Year 2014-2015 Budget from 6:00 PM on September 8, 2014, to 6:00 PM on September 9, 2014, as a result of a scheduling conflict with Palm Beach County's Budget Public Hearing.

Action: Motion made by Commissioner McVoy and seconded by Commissioner Amoroso to approve Resolution No. 43-2014.

Action: Amended motion made by Commissioner McVoy and seconded by Commissioner Amoroso to approve Resolution No. 43-2014 changing the first public hearing date from 6:00 PM on September 8, 2014, to 6:00 PM on September 9, 2014, at Lake Worth City Hall.

Mayor Triolo announced that this was the 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.

13. LAKE WORTH ELECTRIC UTILITY:

A. CONSENT AGENDA:

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

agenda.

B. PUBLIC HEARING:

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

C. NEW BUSINESS:

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

14. CITY ATTORNEY'S REPORT:

City Attorney Torcivia did not provide a report.

15. CITY MANAGER'S REPORT

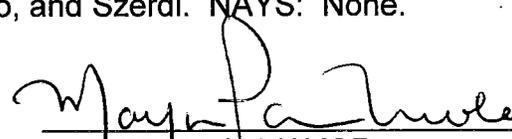
A. September 9, 2014 – draft Commission agenda

City Manager Bornstein did not provide a report.

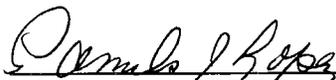
16. ADJOURNMENT:

Action: Motion made by Commissioner Szerdi and seconded by Commissioner Amoroso to adjourn the meeting at 8:35 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: September 9, 2014

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