MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
OCTOBER 21, 2014 – 6:00 PM

The meeting was called to order by Vice Mayor Maxwell 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 6:01 PM), Andy Amoroso, and John Szerdi. Also present were City Manager Michael Bornstein, Assistant City Attorney Christy Goddeau, and City Clerk Pamela Lopez.

2. INVOCATION:

The invocation was offered by Lisa Stewart, Religious Society of Friends.

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:

- Delete Consent Agenda, Item C – Agreement with E.C. Stokes Mechanical Contractor, Inc. to replace City Hall's air condition unit;
- Add to the Consent Agenda, Item G – Contract with ACE USA for Official and Employment Practices Liability and ACE America for Municipal Advantage Entity Liability insurances for Fiscal Year 2014-2015; 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. Update provided by the Board of Trustees, Police Retirement System

Todd Baer, Board Chair, provided an update on the Board of Trustees Police Retirement System's, which included both Division 1 and 2's fiscal activities. He said that Division 2's board merged into Division 1.

B. Proclamation declaring October 2014 as National Breast Cancer Awareness Month

Mayor Triolo read a proclamation declaring October 2014 as National Breast Cancer Awareness Month.

C. Proclamation declaring October 24, 2014 as End Polio Now Day

Vice Mayor Maxwell read a proclamation declaring October 24, 2014, as End Polio Now Day.

D. Proclamation declaring November 2014 as Neighborhood Association Awareness Month

Commissioner Szerdi read a proclamation declaring November 2014 as Neighborhood Association Month.

E. Proclamation declaring November 2014 as Joey Bergsma Retinoblastoma Awareness Month

Commissioner McVoy read a proclamation declaring November 2014 as Joey Bergsma Retinoblastoma Awareness Month.

Pam Bergsma accepted the proclamation and showed a video on an eye examination.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner McVoy: announced that, as part of a Literacy Coalition program, he read a book to students today.

Vice Mayor Maxwell: announced that he visited several schools today and read a book to students as part of a Literacy Coalition program.

Commissioner Amoroso: announced that he read to students today as part of a Literacy Coalition program, said there would be a Halloween trick or treat event at the Cultural Plaza, and cited other Halloween events scheduled on October 31, 2014.

Commissioner Szerdi: said he attended the Bryant Park Neighborhood Association meeting on October 20, 2014, and staff discussed the City's operating budget at the meeting; announced South Palm Park Neighborhood Association's landscape planting event was scheduled this weekend; and said he attended the Treasure Coast Regional Planning Council meeting, the members approved a resolution regarding All Aboard Florida high speed railway project, and the United States Coast Guard was conducting a study because several bridges would need to be raised for the All Aboard Florida project.

Mayor Triolo: announced that volunteers read to over 880 students in Lake Worth schools today as part of the Literacy Coalition program and thanked the Commission and staff for donating their time; announced the Education Council would resume their meetings this year, said representatives from various schools attended, and suggested the meetings be scheduled at night so that the public could attend; she thanked everyone for attending the Domestic Violence Awareness event at the Cultural Plaza on October 17, 2014; and said she attended the Metropolitan Planning Organization's meeting last weekend, the members' goal was to approve a 2020 long range transportation plan, said she spoke about including Boutwell Road improvements into the plan, and announced that the Boutwell Road improvements was approved as part of the long range transportation plan.

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

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

Daryl Houston announced that the Community Foundation presented a $51,000 grant gift to Joyce Brown of Florida Clay Studio for low income senior citizen artist scholarships.

Joyce Brown thanked the Community Foundation for their generous grant and thanked Lake Worth for being home to her venture.

Dean Sherwin said there were a large amount of rental properties in Lake Worth and asked the City to encourage landlords and property owners to improve their properties and rent to a better class of tenants.

Michael Chase Flack said he owned a business on 318 North Dixie Highway and, on behalf of the Lake Worth Dixie Merchants, thanked Palm Beach County Sheriff Office District 14 deputies for the work they did. He said criminal activity along Dixie Highway was reduced.

Lily Stevens said she was the manager of Mulligans Beach House Restaurant and asked the City to bring events east of the bridge and get the beach area merchants involved in events.

Tracy Nelson said that, on behalf of the Casino Building tenants, she complained about parking, asked the City to allow complimentary parking to patrons, the tenants wanted a sense of community, suggested blocking off the beach street for events, asked for chairs to be allowed in front of Casino Building businesses, said she was cited by Code Compliance for installing signs, and asked that signs be allowed at the Casino Building.

Loretta Sharpe spoke on issues; however, she did not write anything on her comment card.

Comment/request summaries:

1. Several Commissioners commented that they supported allowing chairs outside Casino Building businesses.

2. Vice Mayor Maxwell commented that he did not support allowing tenants to use any part of the beach area that was not included in their rental leases without paying for that additional space.

3. Mayor Triolo suggested inviting the Lake Worth Dixie Merchants to provide regularly scheduled updates to the Commission.

8. APPROVAL OF MINUTES:

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

A. City Commission Meeting – October 7, 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 Amoroso to approve the Consent Agenda, with the deletion of Item C and addition of Item G.

A. Resolution No. 64-2014 – Fiscal Year 2015 First Budget Amendment

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

RESOLUTION NO. 64-2014, A GENERAL APPROPRIATION RESOLUTION OF THE CITY OF LAKE WORTH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, MAKING SEPARATE AND SEVERAL BUDGET AMENDMENTS AND CORRESPONDING APPROPRIATIONS FOR THE CITY'S NECESSARY OPERATING EXPENSES, THE USES AND EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015; AND PROVIDING FOR AN EFFECTIVE DATE.

B. Resolution No. 65-2014 – amending Resolution No. 44-2014 to change the rolled-back rate for Fiscal Year 2015

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

RESOLUTION NO. 65-2014 OF THE CITY OF LAKE WORTH, FLORIDA, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA; AMENDING RESOLUTION NO. 44-2014 TO CHANGE THE ROLLED-BACK RATE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015; REPEALING ALL RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

C. (Deleted) Agreement with E.C. Stokes Mechanical Contractor, Inc. to replace City Hall's air condition unit

D. Construction Contract with West Construction, Inc. for the 9th Avenue South Greenway Improvements project

E. Microsoft Enterprise Agreement for Office Professional and SQL Software Licensing

F. Ratify members to various City advisory boards

G. (Added) Contract with ACE USA for Official and Employment Practices Liability and ACE America for Municipal Advantage Entity Liability insurances for Fiscal Year 2014-2015

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

10. PUBLIC HEARINGS:

There were no Public Hearings items on the agenda.

11. UNFINISHED BUSINESS:

There were no Unfinished Business items on the agenda.

12. NEW BUSINESS:

A. Reorganize the Human Resources Department

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve the creation of an additional position in the Human Resources Department.

Germaine English, Human Resources Director, explained that this item was to create an Assistant Human Resources Director position in the Fiscal Year 2015 budget. She advised that the cost for this change was within the current budgeted amounts and would not exceed the current departmental budget. She explained that this individual would be responsible for day-to-day managerial duties of staff, recruiting, retention, compensation, and employee relations/labor issues.

Mayor Triolo announced that this was the time for public comment.

Loretta Sharpe said the last time the City looked at salaries it was for directors and assistant directors, no one had looked at all of the other employees, and said she hoped the Human Resources Director would look at the salaries of all employees.

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

Commissioner Amoroso left the meeting at 7:21 PM and returned at 7:23 PM.

B. Discuss Code Compliance program, processes and outcomes

Mark Woods, Community Code Manager, explained that the Code Compliance Division had made various programmatic and staffing process improvements over the last three years. The focus of these improvements was to make the program more efficient, effective, and responsive. The purpose of this discussion was to provide an update and inform the Commission and public about these improvements, their effects, and accomplishments made by the Division.

He provided a brief overview of Florida Statute 162 *County or Municipal Code Enforcement*, procedural due notice process, organizational chart of the Division, programs and responsibilities, daily activities of a Code Officer, Code Officer workload indicators, cited before and after improvements to properties, Fiscal Year 2014 summary, traditional code compliance process, and location of current cases. He explained the nuisance abatement process; successfully completed properties; chronic nuisance process; chronic nuisance services process; chronic nuisance services properties map; and location map of vacant, foreclosed, and abandoned properties.

Comments/request summaries:

1. Commissioner McVoy requested the spreadsheet information be presented to the public in graph format.

2. Vice Mayor Maxwell requested a time be fixed to each of the process steps so that the public had an understanding of the time lapse.

3. Vice Mayor Maxwell commented that the public needed to understand that there was no Florida law requiring an owner to bring his or her property into compliance.

4. Vice Mayor Maxwell suggested staff use time management to cite a case in one day.

Commissioner McVoy left the meeting at 8:49 PM.

Mayor Triolo recessed the meeting at 8:51 PM and reconvened at 9:08 PM.

C. Ordinance No. 2014-28 – First Reading – voluntary annexation of 2.3 acres of land located at 2269 2nd Avenue North and schedule the public hearing date for November 4, 2014

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2014-28 on first reading and schedule the public hearing date for November 4, 2014.

Assistant City Attorney Goddeau read the following ordinance by title only:

ORDINANCE NO. 2014-28 OF THE CITY COMMISSION OF LAKE WORTH, FLORIDA, ANNEXING THE PROPERTY LOCATED 2269 2ND AVE NORTH, BEING MORE FULLY DESCRIBED IN EXHIBIT A; PROVIDING FOR AMENDMENT TO THE CORPORATE LIMITS OF THE CITY OF LAKE WORTH TO INCLUDE THE SUBJECT PROPERTY IN THE OFFICIAL BOUNDARY MAP; PROVIDING FOR ADVERTISING; PROVIDING THAT THIS ORDINANCE SHALL BE FILED WITH THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, THE COUNTY ADMINISTRATOR OF PALM BEACH COUNTY AND THE FLORIDA SECRETARY OF STATE; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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.

D. Ordinance No. 2014-29 – First Reading – small scale future land use map amendment on property located at 2269 2nd Avenue North and schedule the public hearing date for November 4, 2014

Assistant City Attorney Goddeau read the following ordinance by title only:

ORDINANCE NO. 2014-29 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY PROVIDING A SMALL SCALE AMENDMENT CHANGE TO THE FUTURE LAND USE MAP OF CERTAIN PROPERTY MORE FULLY DESCRIBED IN EXHIBIT A FROM A COUNTY LAND USE DESIGNATION OF INDUSTRIAL (IND) TO A CITY OF LAKE WORTH DESIGNATION OF INDUSTRIAL (I); PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Szerdi to approve Ordinance No. 2014-29 on first reading and schedule the public hearing date for November 4, 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.

E. Ordinance No. 2014-30 – First Reading – rezone property located at 2269 2nd Avenue North and schedule the public hearing date for November 4, 2014

Assistant City Attorney Goddeau read the following ordinance by title only:

ORDINANCE NO. 2014-30 OF THE CITY OF LAKE WORTH, FLORIDA; CHANGING THE ZONING OF THE PROPERTY DESCRIBED IN EXHIBIT A FROM COUNTY ZONING RESIDENTIAL HIGH INTENSITY (RH) TO CITY OF LAKE WORTH ZONING INDUSTRIAL – PARK OF COMMERCE (I-POC); PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2014-30 on first reading and schedule the public hearing date for November 4, 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.

The owner's representative requested their annexation fee be returned to them or for the City to allow them a credit towards their upcoming fees.

F. Ordinance No. 2014-31 – First Reading – amend various sections in Land Development Regulations and schedule the public hearing date for November 4, 2014

Assistant City Attorney Goddeau read the following ordinance by title only:

ORDINANCE NO. 2014-31 OF THE CITY COMMISSION OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23 LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES TO ADOPT AMENDMENTS TO THE CITY LAND DEVELOPMENT REGULATIONS BY AMENDING ARTICLE 1, "GENERAL PROVISIONS", DIVISION 2, SECTION 23.1-12, "DEFINITIONS"; AMENDING ARTICLE 2, "ADMINISTRATION", DIVISION 2, SECTION 23.2-30, "SITE PLAN REVIEW"; ARTICLE 5, "SUPPLEMENTAL REGULATIONS", SECTION 23.5-1, "SIGNS"; SECTION 23.5-3, "NONCONFORMITIES"; ADDING SECTION 23.5-9, "PUBLIC PURPOSE DEDICATIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

William Waters, Community Sustainability Director, explained that this Ordinance amended definitions, signs, and nonconforming lots of record and public purpose dedications. He advised that, as implementation of the new code progressed, several definitions and the sign code needed to be clarified and edited to provide consistency and improve clarity. In addition, he said recent site plan applications involved dedication of properties for public rights of way, which the Land Development Regulations did not address.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2014-31 on first reading and schedule the public hearing date for November 4, 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 Amoroso and Szerdi. NAYS: Commissioner McVoy.

G. Ordinance No. 2014-32 – First Reading – amend the advisory board members' appointment process and schedule the public hearing date for November 4, 2014

Assistant City Attorney Goddeau read the following ordinance by title only:

ORDINANCE NO. 2014-32 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING SECTION 2-12 OF ARTICLE I OF CHAPTER 2 OF THE CODE OF ORDINANCES AMENDING PROCEDURES FOR THE

APPOINTMENT OF BOARD MEMBERS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Szerdi to approve Ordinance No. 2014-32 on first reading and schedule the public hearing date for November 4, 2014.

City Clerk Lopez explained that this Ordinance clarified the appointment hierarchy for elected officials, established a timeframe to appoint members within 30 days of notice from the City Clerk or her designee of a vacancy, and added a provision to allow other elected officials to make appointments if an elected official failed to make a timely appointment.

Mayor Triolo announced that this was the time for public comment.

Loretta Sharpe said she opposed the new appointment process and supported going back to the former process.

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

H. Ordinance No. 2014-33 – First Reading – clarify violations and penalties of the previously adopted County Animal Regulation Ordinance and schedule the public hearing date for November 4, 2014

Assistant City Attorney Goddeau read the following ordinance by title only:

ORDINANCE NO. 2014-33 OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 6, "ANIMALS AND FOWL"; SECTION 6-2, "VIOLATION OF COUNTY ORDINANCE"; SECTION 6-6, "RUNNING AT LARGE PROHIBITED"; SECTION 6-8, "RETAIL SALES DOGS AND CATS"; AND, SECTION 6-9, "PENALTIES", TO CLARIFY THE VIOLATION AND PENALTY PROVISIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Szerdi to approve Ordinance No. 2014-33 on first reading and schedule the public hearing date for November 4, 2014.

Assistant City Attorney Goddeau explained that this Ordinance clarified how violations of the Palm Beach County Animal Regulation Ordinance may be prosecuted and the penalties associated therewith. She said that currently, it was unclear whether Palm Beach Sheriff Office deputies issued a civil citation or whether they were limited to issuing a "Notice to Appear", which was an arrest. The penalties associated with the violations were also unclear.

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.

I. Ordinance No. 2014-34 – First Reading – enact panhandling regulations to prohibit aggressive panhandling city-wide and in certain locations and schedule the public hearing date for November 4, 2014

Assistant City Attorney Goddeau read the following ordinance by title only:

ORDINANCE NO. 2014-34 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 15, "OFFENSES – MISCELLANEOUS"; BY ENACTING ARTICLE VI, "PANHANDLING", ESTABLISHING REGULATIONS ON PANHANDLING AND AGGRESSIVE PANHANDLING; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Assistant City Attorney Goddeau explained that this Ordinance provided definitions of panhandling and aggressive panhandling. It also banned aggressive panhandling city-wide and in certain areas, primarily in front of buildings, around Automated Teller Machines (ATM), and other places where people were in areas where they could not readily escape the unwanted solicitation.

Mayor Triolo announced that this was the time for public comment.

Caroline Clore thanked the Commission for addressing this issue. She said that it had been the biggest problem in and around her business for the past 15 years.

Beth Saragg said there were multiple panhandlers and homeless in the City. She commented that sober home residents were also panhandling and that her biggest problem was getting repeat patrons to her business because of what they saw in the downtown area.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Szerdi to extend the meeting one hour in accordance with the Commission's Rules and Procedures Rule 1(3).

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

Michael Flack said panhandling was going on near his business on Dixie Highway, but he opposed the ordinance because it did not address the real problem of poverty.

Anthony Marott said panhandling was a serious problem, a good portion of the homeless were not in their right mind, and they were causing problems with business owners. He thanked the Commission for "getting the ball rolling" on this issue.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Szerdi to approve Ordinance No. 2014-34 on first reading and schedule the public hearing date for November 4, 2014.

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:

Assistant City Attorney Goddeau did not provide a report.

15. CITY MANAGER'S REPORT

A. November 4, 2014 – draft Commission agenda

City Manager Bornstein did not provide a report.

Mayor Triolo announced that she would give the Commission a refresher course on their Rules and Procedures regarding the length of time each Commissioner could speak.

16. ADJOURNMENT:

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to adjourn the meeting at 10:15 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: November 4, 2014

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