

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
JULY 14, 2015 – 6:00 PM**

The meeting was called to order by Vice Mayor Maxwell 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 Vice Mayor Scott Maxwell and Commissioners Christopher McVoy, Andy Amoroso, and Ryan Maier. Mayor Pam Triolo was absent. Also present were City Manager Michael Bornstein, City Attorney Glen Torcivia, and City Clerk Pamela Lopez.

2. INVOCATION:

The invocation was offered by Pastor Steve Wipperman, Our Savior Lutheran Church.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Commissioner Ryan Maier.

4. AGENDA - Additions/Deletions/Reordering:

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to waive the rules to:

- Delete Presentations, Item C – Recognize the retirement of Stephen O'neal for his years of service to the City; and
- Approve the agenda as amended.

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

5. PRESENTATIONS:

A. Legislative update provided by Senator Jeff Clemens

Richard Pinsky, Akerman LLP, said Senator Jeff Clemens did a lot of things for the City, and the City would not have had a “leg up” to receive State funds for the Park of Commerce. He offered to come back at the next Commission meeting to discuss strategy moving forward.

Senator Jeff Clemens commented that the Legislative Session was the best he attended. He said the Sober Home Bill passed, which would make sure there was surety for neighbors and sober home residents; he cited other

Bills passed. He said he worked hard on the State's budget, the City would receive \$3.5 million for the Park of Commerce, and was discouraged to see so many Bills vetoed by the Governor.

B. Legislative update provided by Representative Bobby Powell

Representative Bobby Powell said he echoed a lot of the sentiments made by Senator Clemens. The House and Senate members fought for and were champions of health care. The House members also fought for the Land Acquisition Trust Fund. He cited several Bills that he sponsored and were passed.

C. (Deleted) Recognize the retirement of Stephen O'neal for his years of service to the City

D. 14th Annual Rif Raft Race report provided by Jon Faust

Jon Faust, Neighborhood Association Presidents Council, presented highlights of the 14th Annual Rif Raft Race.

Greg Rice announced the names of the various winners.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner McVoy: announced his attendance at the July 14, 2015, Living Shoreline's ribbon cutting at Bryant Park; said the Living Shoreline was designed by Michael Singer Studio, who also designed the beach area; said he was invited to an Iftar event at a nearby Mosque; and announced his attendance at a Haitian Color of Hope event.

Commissioner Maier: announced his attendance at the Treasure Coast Regional Planning Council's June 16, 2015, meeting, reported that the members discussed money earmarked for the Park of Commerce, said the Park of Commerce area was the City's only opportunity to receive tax revenues, the members discussed the All Aboard Train project for the past three months, and said this was the first time he heard opposition from a municipality; and commented that as a liaison, it was his role to inform the Commission and constituents about comments being made from the surrounding areas.

Commissioner Amoroso: announced his attendance at the Lake Worth Democratic Club this month and the Parrot Cove Neighborhood Association's block party fund raiser. He commented that he was the guest speaker at the Downtown Jewel Neighborhood Association meeting and said the Rotary Club was giving away flags and stickers to children. He announced his attendance at the Living Shoreline's ribbon cutting on July 14, 2015, and said he looked forward to it being extended to the south end.

He announced his attendance at a Neighborhood Stabilization Program 2 (NSP2) homeowner dedication, joint Sister Cities meeting at the Cultural Center, mandatory ethics training, Compass Center's Black and White Ball fund raiser, Palm Beach County League of Cities District 3's luncheon, and Graphic Center. He encouraged everyone to attend the Graphic Center, thanked all of the volunteers involved in the Rif Raft Race, and cited upcoming events.

Vice Mayor Maxwell: announced his attendance at the Living Shoreline ribbon cutting event on July 14, 2015, and said staff from the Palm Beach Sheriff Office attended the Neighborhood Association Presidents Council's meeting and discussed the citizen observer patrol program.

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

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

Yolanda Vazquez distributed pictures showing black smoke from a Lake Avenue's crematorium chimney. As a representative of the invisible people living in her neighborhood, she said it bothered her that a crowd of people had to cover their faces because of the smell from the crematorium. She asked that zoning districts only allow crematoriums to be located away from residential areas.

Michael Chase Fox said he owned a business located in proximity to a crematorium on Dixie Highway that was doing the same thing as the crematorium on Lake Avenue. He said something wrong was going on at the crematorium because there should not be any smoke or flames coming in contact with people. He said that the business may not be in compliance or there may be a training issue. He commented that the State did not regulate crematorium's output.

Susan Nestler said she wanted to add her comments to those already made about the number of crematoriums located in the City. She said the City needed to think about allowing them to locate in a mixed commercial/residential area. She commented that she was shocked to learn that crematoriums were not regulated, that toxic chemicals were used to burn bodies, and there was an elementary school located just blocks from a crematorium.

Tammy Pansa said she took pictures of the smoke coming from the crematorium's chimney, the smoke issue needed to be handled, and asked why more crematoriums were locating to the City. She announced the Trap-Neuter-Vaccinate-Return (TNVR) was offering free spay and neuter service; a third crime walk through the Genesis neighborhood was

scheduled on July 26, 2015, and said everyone could meet the new Palm Beach Sheriff Office District 14 Captain during the event; and a Paint Your Heart Out event was scheduled in the Royal Poinciana neighborhood.

The following individual spoke on various issues; however, he did not write anything on his comment card: Peter Timm.

The below comments were made during Approval of the Minutes; however, for continuity purposes on the subject matter moved to this section of the minutes.

Comments/requests summaries:

1. Commissioner McVoy asked the Commission to commit to understanding the crematorium rules and why there were different emission regulations.
2. Vice Mayor Maxwell requested the City Manager provide a report or offer an idea on how to deal with the crematoriums.

8. APPROVAL OF MINUTES:

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve the following minutes, as submitted:

- A. **City Commission Meeting – June 2, 2015**
- B. **City Commission Budget Work Session – June 9, 2015**
- C. **City Commission Meeting – June 16, 2015**

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

9. CONSENT AGENDA:

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve the Consent Agenda.

A. Resolution No. 36-2015 – set the tentative Fiscal Year 2016 millage rate

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

RESOLUTION NO. 36-2015 OF THE CITY OF LAKE WORTH, FLORIDA, ADOPTING A TENTATIVE OPERATING MILLAGE RATE OF 5.4945 MILLS FOR FISCAL YEAR 2015-2016; ESTABLISHING A DATE AND TIME FOR THE FIRST HEARING ON THE TENTATIVE BUDGET AND PROPOSED MILLAGE RATE; AUTHORIZING THE CITY MANAGER TO

SUBMIT THE REQUIRED FORMS TO THE PALM BEACH COUNTY PROPERTY APPRAISER; AND PROVIDING FOR AN EFFECTIVE DATE.

B. Resolution No. 37-2015 – 5th amendment to the City’s Fiscal Year 2015 budget

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

RESOLUTION NO. 37-2015, 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.

C. Resolution No. 38-2015 – declare the City’s intent to issue a revocable permit for property located at 1632 North K Street and schedule the public hearing date for August 4, 2015

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

RESOLUTION NO. 38-2015 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 17th AVENUE NORTH AND NORTH “K” STREET TO LORI MARSZAL; SETTING A PUBLIC HEARING TO HEAR AND CONSIDER OBJECTIONS TO AND PROTESTS AGAINST THE PROPOSED REVOCABLE PERMIT; PROVIDING FOR AN EFFECTIVE DATE.

D. Resolution No. 39-2015 – authorize submission of the Fiscal Year 2015-2016 State Aid to Libraries Program application

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

RESOLUTION NO. 39-2015 OF THE CITY OF LAKE WORTH, FLORIDA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES FOR GRANT FUNDS PROVIDED THROUGH THE FISCAL YEAR 2015-2016 STATE AID TO LIBRARIES PROGRAM IN THE ESTIMATED AMOUNT OF \$13,999; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- E. **Lake Worth Public Library Annual Plan of Service for Fiscal Year 2015-2016**
- F. **Variance Agreement to allow brick pavers on a driveway and City right-of-way on property located at 1309 North Palmway**
- G. **Purchase 2 new vehicles for the Public Services and Water Utilities Departments**
- H. **Task Order No. 8 with Craven Thompson and Associates, Inc. for design and bid phase services for the Watermain Replacement Downtown project**
- I. **Task Order No. 15 with Mock Roos and Associates for design and bid phase services for the 11th Avenue North Sewer Rehabilitation project**
- J. **Task Order No. 6 with URS Corporation, a Division of AECOM, for engineering design, permitting, and bid phase services for the 8th Avenue South Watermain project**
- K. **Reappointment of members to various City advisory boards**
- L. **Agreement with Johnson, Anselmo, Murdoch et al for legal services**

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

10. PUBLIC HEARINGS:

- A. **Ordinance No. 2015-04 – First Reading and Public Hearing – amend various sections and tables in the Land Development Regulations and schedule the second reading and public hearing date for August 4, 2015**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-04 OF THE CITY COMMISSION OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 1 DIVISION 2, SECTION 23.1-12, DEFINITIONS; ARTICLE 3, DIVISION 1, SECTION 23.3-6, USE TABLE; ARTICLE 4, SECTION 23.4-10, PROVIDING FOR OFF-STREET PARKING; ARTICLE 4, SECTION 23.4-4, FENCES WALLS AND GATES; ARTICLE 4, SECTION 23.4-13, TOWNHOUSES; ARTICLE 4, SECTION 23.4-18, "PORTABLE STORAGE UNITS", PROVIDING FOR REGULATIONS REGARDING PORTABLE STORAGE UNITS; ARTICLE 5, "SUPPLEMENTAL REGULATIONS", SECTION 23.5.1(i)

“NONCONFORMING SIGNS”; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve Ordinance No. 2015-04 on first reading and schedule the second reading and public hearing date for August 4, 2015.

Comment/request summary:

1. Commissioner Amoroso commented that this subject was discussed at the last Commission meeting and all of the controversial items in the ordinance were removed. Those controversial items would be discussed at a future work session.

City Manager Bornstein announced that this ordinance only included noncontroversial items.

William Waters, Community Sustainability Director, explained that this ordinance amended general provisions, zoning districts, development standards, and supplemental regulations in the City's Land Development Regulations. He said the ordinance also revised the City's permitted use table. He explained in detail the changes.

He said the proposed amendments were brought to the Commission on June 16, 2015, where the Commission directed staff to postpone several of the amendments to be discussed at a future work session. The remaining noncontroversial amendments related to definitions, portable storage units, non-conforming signs, permitted use table, and several supplemental regulations were included in this ordinance. He said several proposed definitions were inconsistent with code provisions and those changes were also included in this ordinance.

Comments/requests summaries:

2. Commissioner McVoy commented that he had concerns about assemblies, which were exempt from the noise ordinance and allowed in residential areas.

Mr. Waters replied that the only assemblies allowed in residential areas were churches and schools. He confirmed that they were exempt from the noise ordinance.

3. City Attorney Torcivia commented that, because of the significant changes made at the last Commission meeting, the ordinance needed to come back to the Commission as another first reading.

4. Commissioner Maier said he had a problem with the ordinance allowing the pool to be winterized or enclosed.
5. Commissioner Maier asked for the definition of "day care", commented that the City had no definition for "invasive tree", and the ordinance had no language for replacing trees when invasive trees were removed.

Mr. Williams provided the definition of "day care" and replied that there were many landscape issues that needed to be addressed. He commented that he was working with the City's Horticulturist, and the landscape issues would be discussed at the City's Tree Board.

Action: Amended motion made by Commissioner Amoroso and seconded by Commissioner Maier to amend Exhibit B *Permitted Use Table's "Public High Intensity Public Uses BAC Zoning District"* to delete "P" from the *Recreation Public (Indoor) with Team Sports Facilities and Recreation Public (Indoor) without Team Sports Facilities*; amend *"Public Medium Intensity Public Uses BAC Zoning District"* to delete "P" from the *Recreation Public (Indoor) with Team Sports Facilities*; approve amended Ordinance No. 2015-04 on first reading; and schedule the second reading and public hearing date for August 4, 2015.

Comments/requests summaries:

6. Commissioner Maier asked about addressing invasive tree language.

Mr. Waters replied that a comprehensive landscaping ordinance would come before the Commission in September or October.

7. Commissioner Amoroso commented that there had been discussion about staff putting together a plan to address removing dying or diseased trees on City-owned property.

City Manager Bornstein replied that staff was working on a plan, which would then be brought to the City Tree Board for direction.

Vice Mayor Maxwell announced that this was the time for public comment.

Peter Timm said people attended meetings to learn and not hear that something would be sent to the City Manager, it was not fair and not a way for the Commission to get re-elected, and said residents were the Commission's bosses.

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

11. UNFINISHED BUSINESS:

There were no Unfinished Business items on the agenda.

12. NEW BUSINESS:

- A. Ordinance No. 2015-05 – First Reading – consider a major amendment to a Residential Planned Development (RPD) located at the northeast intersection of North Dixie Highway and 3rd Avenue North and schedule the public hearing date for August 4, 2015**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-05 OF THE CITY OF LAKE WORTH, FLORIDA, APPROVING AN AMENDMENT TO A RESIDENTIAL PLANNED DEVELOPMENT TO BE KNOWN AS BELLA TERRA DESCRIBED IN EXHIBIT A; PROVIDING FOR DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve Ordinance No. 2015-05 on first reading and schedule the public hearing date for August 4, 2015.

Vice Mayor Maxwell announced that this was the time for public comment.

Peter Timm said construction at Hammond Park began then stopped and there were several vacancies. He asked if there was a new owner and, if so, was the owner under the same affordable housing development restriction.

William Waters, Community Sustainability Director, explained that the applicant, Brett Leone of Cotleur & Hearing, was a new owner proposing a major Residential Planned Development (RPD) amendment and also to rename the project from Hammond Park to Bella Terra. He said the proposed modifications included the addition of 36 dwelling units, which affected the northern portion of the RPD. He commented that there were no changes to the southern portion of the site, which contained a Publix Grocery Store and parking.

Terry Dewey, representing the owner, said the application was submitted and reviewed by City staff and would be a better product than the previous plan.

The owner said this was a vacant property, and the proposed plan was superior to the previously submitted plan. The land needed to have

something attractive on it and add beauty to the community. The buildings were changed to have the same orientation. To make the development a more affordable project, he said the two-bedroom flats were taken away and three one-bedroom flats added.

Commissioner Amoroso left the meeting at 7:48 PM and returned at 7:49 PM.

Comments/requests summaries:

1. Commissioner McVoy commented that he would be more comfortable if the development was not a gated community. He said he would not vote on the ordinance if the development was gated.
2. Commissioner Maier commented that there would be a noise issue because of the number of air condition units located in the rear of the proposed buildings, which abutted a residential area. He asked that the air condition units not be located in the rear of the buildings.

Vice Mayor Maxwell reopened the time for public comments.

Lynn Anderson commented that she loved gated communities and that it was important for this development to be gated because of its location. She said she would love to live in the development if it was gated, which would make this project a success. She said she hoped the new owners could move forward with a great project.

Peggy Fisher said she supported the project and it being a gated community. She commented that she had a "No Trespassing" sign on her property, the air condition units were located in the front of the existing buildings, and said it was not the Commission's job to tell the owner what to do or how to run his business. The owner was coming to the City, and they should be made to feel welcome. She commented that there was only one residential property abutting this development on North J Street so there was no air condition noise issue.

Comments/requests summaries:

3. Vice Mayor Maxwell commented that, unless the City's Code prohibited something, the Commission could not prohibit it. The City needed to embrace ideas. He suggested the Commission not hold up the owner or make him sound like he was the bad guy.
4. Commissioner Maier asked the owner to install a noise shield for the air condition units.

Mr. Waters replied that installation of a noise shield could be added as a

condition for approval, but the provision should not be added to the ordinance.

5. City Attorney Torcivia asked if the owner agreed to the air condition noise shield.

The owner replied that he was open to adding the air condition noise shield.

Mr. Waters responded that a tri-part letter of approval could be crafted with the added noise shield provision.

6. Commissioner McVoy asked for a good faith commitment from the owner to look into achieving a sense of security without a gate.

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

Commissioner Amoroso left the meeting at 8:21 PM.

B. Ordinance No. 2015-06 – First Reading – increase Business Tax Receipt rates by five percent (5%) and schedule the public hearing date for August 18, 2015

City Attorney Torcivia read the following Ordinance by title only:

ORDINANCE NO. 2015-06 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 14 "BUSINESS TAX RECEIPTS AND BUSINESS REGULATIONS", ARTICLE I, "LOCAL BUSINESS TAX RECEIPT", SECTION 14-24, "BUSINESS TAX SCHEDULE", TO INCREASE THE RATES FOR BUSINESS TAXES BY FIVE PERCENT (5%) EFFECTIVE OCTOBER 1, 2015; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

Action: Motion made by Commissioner McVoy and seconded by Commissioner Maier to approve Ordinance No. 2015-06 on first reading and schedule the public hearing and second reading on August 18, 2015.

Commissioner Amoroso returned to the meeting at 8:22 PM.

Vice Mayor Maxwell announced that this was the time for public comment.

Peter Timm asked if the additional revenue would put commercial establishments out of business. He asked how far the City would go in increasing rates before it realized that it could not continue to tax people. He said there was a need to raise property values in order to increase the

tax base. He asked the Commission to stop taxing people out of Lake Worth.

Commissioner McVoy left the meeting at 8:24 PM.

William Waters, Community Sustainability Director, explained that the last time the City increased its Business Tax Receipts was in 2013. Based on collections during Fiscal Year 2015, staff projected that a change to rates would increase revenues by at least \$50,000. In addition, the increase would maintain the City's competitiveness with regard to adjacent municipalities as the City's rates remained lower in most categories.

Commissioner McVoy returned to the meeting at 8:26 PM.

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

C. Ordinance No. 2015-07 – First Reading – Interlocal Service Area Boundary Agreement with the County and schedule the public hearing date for August 18, 2015

Action: Motion made by Commissioner McVoy and seconded by Commissioner Amoroso to approve Ordinance No. 2015-07 and schedule the public hearing date for August 18, 2015.

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-07 OF THE CITY OF LAKE WORTH, FLORIDA, AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICE BOUNDARY AND JOINT PLANNING AGREEMENT WITH PALM BEACH COUNTY TO COORDINATE FUTURE LAND USE, PUBLIC FACILITIES AND SERVICES IN ADVANCE OF ANNEXATION; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

William Waters, Community Sustainability Director, explained that the ordinance authorized execution of an interlocal service area boundary agreement with the County to facilitate the provisions of services and future annexations in the City. He said the agreement would lead to Comprehensive Plan amendments for both the County and City.

He commented that the benefits of an agreement were many, but foremost, was the ability for owners of individual parcels in the area to be annexed into the City from the County on an individual basis without the issue of creating enclaves or service area disruptions. He said several cities in the County already had agreements in place.

Vice Mayor Maxwell announced that this was the time for public comment. No one from the public commented.

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

D. Resolution No. 40-2015 – affirm support for the Southeast Florida Regional Climate Action Plan

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

RESOLUTION NO. 40-2015 OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, AFFIRMING SUPPORT FOR THE SOUTHEAST FLORIDA REGIONAL CLIMATE ACTION PLAN; AGREEING TO CONSIDER INCORPORATION OF THE ACTION PLAN IN THE COMPREHENSIVE PLAN, ORDINANCES AND MASTER PLAN; URGING OTHER LOCAL MUNICIPALITIES TO DO THE SAME; PROVIDING AN EFFECTIVE DATE; AND OTHER PURPOSES

Action: Motion made by Commissioner McVoy and seconded by Commissioner Amoroso to approve Resolution No. 40-2015.

Vice Mayor Maxwell announced that this was the time for public comment. No one from the public commented.

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

E. Purchase Order with Mobile Modular for a new triple-wide modular trailer for the Public Services administration staff

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve a Purchase Order with Mobile Modular for a new modular trailer for the Public Services administration staff.

Vice Mayor Maxwell announced that this was the time for public comment. No one from the public commented.

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

F. Tolling Agreement with REG Architects and The Morganti Group

Action: Motion made by Commissioner McVoy and seconded by Commissioner Amoroso to approve the Tolling Agreement with REG Architects, Inc. and The Morganti Group, Inc.

Vice Mayor Maxwell announced that this was the time for public comment.

Peter Timm asked for the definition of a tolling agreement

Comment/request summary:

1. Commissioner Maier asked if the deteriorating landscape was included in the lawsuit.

City Manager Bornstein replied that the tolling agreement was a contractual arrangement for the Beach Casino building and not the beach area site. He said a bigger discussion about the beach site was needed.

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

G. Designate a voting delegate for the business meeting during the 2015 Florida League of Cities 89th annual conference on August 13-15, 2015 in Orlando, Florida

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to appoint Vice Mayor Maxwell as the voting delegate for the Florida League of Cities Annual Business Meeting at the Florida League of Cities annual conference on August 13-15, 2015, in Orlando, Florida.

Vice Mayor Maxwell announced that this was the time for public comment. No one from the public commented.

Vote: Voice vote showed: AYES: Vice Mayor Maxwell and Commissioners McVoy, Amoroso, and Maier. 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. July 14, 2015 – draft Commission agenda

City Manager Bornstein provided the following report:

- Announced Todd Baer would be replacing Captain Rolando Silva as the Lake Worth's Palm Beach Sheriff Office District 14 new captain.
- Reported that crematoriums did not spring up in Lake Worth overnight, but were in the City for over 30 years. According to the City's current zoning code, they could not locate into the City or abut a residential area. He said that, as long as the current crematoriums were functioning, then legally they were allowed to exist until they went out of business. He clarified that it was the City's understanding that crematoriums were regulated by the Health Department. He asked the Commission for an opportunity to "circle back" with the staff, City Attorney, and Health Department on the black smoke issue. He said the City's code did not address smoke coming from the crematoriums.

Commissioner McVoy responded that toxins needed to also be addressed.

- Reported that road work was done when the City could find money. Funding for roads and utilities had been worked on for several years. He reported that the Utility Departments had money because they had a revenue stream. In 2005 projects were identified, which then became the basis for what the Utility Department was now designing and doing. If a road was torn up to replace utilities, then the road would be repaired at the same time. He commented that some recent road work was done using Community Development Block Grant funds.
- Reported that the City already had funding for utility infrastructure improvements in the Park of Commerce; however, there was no funding source for their roads. He commented that the City still had not found a solution to fund roadway projects.

Vice Mayor Maxwell commented that there was a schedule for road improvements and road rating done during Lake Worth 2020's 2014 referendum issue. He asked the City Manager for an annual report on the roadway deterioration conditions.

City Manager Bornstein responded that he would be happy to do a report; however, people needed to embrace the idea that road improvements were huge projects, would span over several years, and would require the issuance of a bond. He said the City could not get a bond without a revenue stream, and currently no dedicated revenue stream was identified.

Vice Mayor Maxwell said governments built roads. He asked everyone not to lose focus on the City's roadway needs. There was a need to break any dialogue about the City doing road work that benefitted private entities.

Commissioner McVoy commented that it would cost a lot of money to get an updated roadway Pavement Condition Index (PCI).

City Manager Bornstein responded that the experts, who prepared the road rating study, said roads deteriorated 3% per year.

Vice Mayor Maxwell clarified that he did not insinuate that he wanted to spend money on the annual condition of the City's roads. He just wanted a spreadsheet on the roads PCI.

16. ADJOURNMENT:

Action: Motion made by Commissioner McVoy and seconded by Commissioner Maier to adjourn the meeting at 8:51 PM.

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

ATTEST:


PAMELA J. LOPEZ, CITY CLERK


PAM TRIOLO, MAYOR



Minutes Approved: August 4, 2015

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