

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
DECEMBER 8, 2015 – 6:00 PM**

The meeting was called to order by Vice Mayor Maxwell on the above date at 6:03 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 (arrived 6:27 PM); Vice Mayor Scott Maxwell; and Commissioners Christopher McVoy, Andy Amoroso, and Ryan Maier. Also present were City Manager Michael Bornstein, City Attorney Glen Torcivia, and City Clerk Pamela Lopez.

2. INVOCATION:

There was a moment of silence in lieu of an invocation. Vice Mayor Maxwell asked everyone to remember the veterans who were serving at Pearl Harbor on December 7th.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Vice Mayor Scott Maxwell.

4. AGENDA - Additions/Deletions/Reordering:

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

- Delete Consent Agenda, Item G – Contract with Waste Management for roll-off services; 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. Proclamation declaring December 1, 2015 as World AIDS Day

Vice Mayor Maxwell read a proclamation declaring December 1, 2015, as World AIDS Day.

B. Update provided by School Board, District 4 representative Erica Whitfield

Erica Whitfield, District 4 representative, provided an update on what schools were like in the County and particularly in Lake Worth. She

commented about the differences between eastern and western Lake Worth schools. She said there was a common misconception that Lake Worth had more schools than it had within its borders. She spoke about the high poverty level of students, non-English speaking students, high school and elementary school principals, and school grades. She commented that South Grade Elementary was a D rated school, they needed the most assistance, and they received a grant.

Mayor Triolo arrived at the meeting, the time was 6:27 PM.

C. PBSO Community Policing update

PBSO Captain Todd Baer and Lieutenant David Groover provided an update on the bike registration program, breaking the cycle of gang recruitment program, bullying program, partnerships with local church leaders, the Guatemalan Consulate event, and graffiti removal program.

D. ROLO Neighborhood Association update

The Residents of Lake Osborne (ROLO) Neighborhood Association's Vice President and Secretary provided an update on their increased boundaries, private neighborhood network system, and guest speakers at their association meetings. They said their neighborhood attracted diverse neighbors.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner Maier: announced his attendance at the December 1-3, 2015, South Florida Regional Climate Summit, the issues discussed were sea level rise, and said he would schedule a presentation about the summit information at a future Commission meeting. He cited issues that he learned during the summit. He said he would be attending the next Treasurer Coast Regional Planning Council meeting on December 11, 2015, and that he looked forward to providing information about that meeting at a future Commission meeting.

Commissioner Amoroso: announced that he was the Commission's Downtown Cultural Alliance liaison and cited upcoming scheduled events.

Commissioner McVoy: announced his attendance at the South Florida Regional Climate Summit and the issue about sea level rise had gone beyond political party lines. He said the level of intellect and information provided at the summit was excellent and that, as a City, there was a need to move forward and dedicate staff to the sea level rise issue because of liabilities.

Vice Mayor Maxwell: announced his attendance at the South Florida Regional Climate Summit, said he enjoyed the summit and looked forward

to contributing to the sea level rise discussion. He wished everyone a Merry Christmas, Happy Hanukkah, and Happy New Year.

Mayor Triolo: thanked the County for a beautiful holiday program they held for disabled children. She also thanked the Alzheimer Community Care for providing day care and encouraged everyone to volunteer because it was an incredible program. She reminded everyone about the Palm Beach County's League of Cities 7th grade students' "What Would I Do If I Was Mayor" contest. She said the winner could play mayor for a day and receive \$100. She wished everyone Happy Holidays.

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

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

AnnaMaria Hunt suggested a new ordinance be created to allow 1% of new construction costs to be used for artists. She said she knew the City was short staffed and offered to help.

Caroline Chen asked the City to minimize its streetlight glow in order to reduce the risk of cancer. She thanked the City for asking the Florida Department of Transportation for an exemption to their Light Emitting Diode (LED) light guidelines. She suggested a dark sky ordinance be created and to limit the light brightness. She said additional lights or light poles at the lower beach parking lot would be allowed.

Jon Faust, Neighborhood Association Presidents Council Chairperson, announced a candidate forum would be held at 6 PM on January 6, 2016, and the City's 50th annual holiday parade.

Richard Stowe wished everyone Happy Holidays and supported the creation of a light ordinance.

David Silvers thanked the Commission for the work they did and announced that he was running for State Representative. He wished everyone a Happy Holiday and said he attended this meeting to learn about the City's local issues.

Yobini Nura-Orna offered peace, love, and happiness to all. She said she was a priestess and invited the Pioneers of Jewell visionaries, preservation society, and others to embrace and participate in the spirit of Kwanza into their 2015 celebrations. She commented that Kwanza was a 50-year old holiday created by African Americans.

Dorothy Gay said she sat in various meetings and there were problems in the community because of the water meters changing and an increase in water fees. She asked the Commission not to approve the purchase of

Badger Water Meters if they hindered the residents and they had to pay more fees.

The following individuals spoke on various issues; however, they did not write anything on their comment cards: Mary Lindsey and Greg Rice.

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 Meeting – November 10, 2015

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

9. CONSENT AGENDA:

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

A. Resolution No. 59-2015 – amend the Commission’s Rules of Procedures to include a policy for Invocation or Moment of Silence

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

RESOLUTION NO. 59-2015 OF THE CITY OF LAKE WORTH, FLORIDA, ADOPTING RULES AND PROCEDURES FOR THE CITY COMMISSION; AMENDING RESOLUTION NO. 56-2013 AND ANY OTHER RESOLUTION IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

B. Resolution No. 63-2015 – set the general election ballot

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

RESOLUTION NO. 63-2015 OF THE CITY OF LAKE WORTH, FLORIDA, DIRECTING THE CITY CLERK TO PREPARE THE OFFICIAL BALLOT FOR THE CITYWIDE ELECTION TO BE HELD ON MARCH 15, 2016; PROVIDING AN EFFECTIVE DATE.

C. Resolution No. 64-2015 – amend the Municipal Canvassing Board members during the March 15, 2016, election

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

RESOLUTION NO. 64-2015 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING THE CITY'S CANVASSING BOARD; AND PROVIDING AN EFFECTIVE DATE.

D. Resolution No. 65-2015 – second amendment to the Fiscal Year 2015-2016 budget

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

RESOLUTION NO. 65-2015, 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, 2015 AND ENDING SEPTEMBER 30, 2016; AND PROVIDING FOR AN EFFECTIVE DATE.

E. Resolution No. 66-2015 – agreement with Palm Beach County for improvements to the Osborne Pavilion

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

RESOLUTION NO. 66-2015 OF THE CITY OF LAKE WORTH, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY IN THE AMOUNT OF \$60,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE OSBORNE PAVILION IMPROVMENTS PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

F. Contract with Rosso Site Development, Inc. for the construction of the 6th Ave. South – Federal to Dixie Roadway Improvements Project

G. (Deleted) Contract with Waste Management for roll-off services

H. Variance Agreement to allow stamped concrete on a driveway and City right-of-way on property located at 173 Vassar Drive

I. General Release Agreement with Boris Pritsker for payment of a claim for damages

J. Second amendment to a contract with Utilities Services Company for elevated tank maintenance

- K. **First Amendment to an Agreement with Pace Analytical Services, Inc. for laboratory testing services on an as needed basis**
- L. **Agreement with All Webbs Enterprises, Inc. for the construction of Surficial Aquifer Test Well TW-18**
- M. **Agreement with All Webbs Enterprises, Inc. for the performance of Mechanical Integrity Testing of Class 1 Deep Injection Well IW-1**
- N. **Purchase authorization for Badger water meters from Innovative Metering Solutions, Inc.**
- O. **Utility easement by and between LaJoya Villages, Ltd. and the City of Lake Worth**
- P. **Agreement with CP Logistics Lake Worth, LLC for acquisition of certain rights of way and an easement for the Boutwell Road Infrastructure Project**

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

10. PUBLIC HEARINGS:

- A. **Ordinance No. 2015-16 – Second Reading and Public Hearing – adopt amendments to the Lien Reductions and Release of Liens Code**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-16 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATION", ARTICLE VI, "CODE COMPLIANCE", SECTION 2-64, "APPOINTED" TO CLARIFY THAT THE SPECIAL MAGISTRATE IS SERVING IN AN EX OFFICIO CAPACITY; AMENDING SECTION 2-69.3.1, "LIEN REDUCTIONS AND RELEASE OF LIENS" BY ENACTING SUBSECTION 2-69.3.1(J), PROVIDING FOR REGULATIONS REGARDING THE PARTIAL RELEASE OF LIENS; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2015-16 on second reading.

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 Maier. NAYS: None.

B. Ordinance No. 2015-17 – Second Reading and Public Hearing – clarify authority to regulate, inspect, and permit managed honeybee colonies

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-17 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 6 “ANIMALS AND FOWL”, BY CREATION OF A NEW SECTION 6-3, “HONEYBEE COLONIES” TO ADDRESS THE STATE’S PREEMPTION OF LOCAL ORDINANCES REGULATING HONEYBEE COLONIES AND FOR OTHER PURPOSES; PROVIDING FOR RE-NUMBERING OF EXISTING SECTIONS, SEVERABILITY, REPEAL OF LAWS IN CONFLICT, CODIFICATION, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to approve Ordinance No. 2015-17 on second reading.

Commissioner Maier explained that this ordinance clarified that the authority to regulate, inspect, and permit managed honeybee colonies was preempted to the State of Florida and superseded any related ordinance adopted by the City.

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 Maier. NAYS: None.

11. UNFINISHED BUSINESS:

There were no Unfinished Business items on the agenda.

12. NEW BUSINESS:

A. Property located 200 feet west of the 10th Avenue North and Boutwell Road intersection:

1. Ordinance No. 2016-01 – First Reading – voluntary annexation of 6.54 acres and schedule the public hearing date for January 5, 2016

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-01 OF THE CITY COMMISSION OF LAKE WORTH, FLORIDA, ANNEXING THE PROPERTY LOCATED APPROXIMATELY 200 FEET WEST OF THE NORTHWEST PORTION OF THE INTERSECTION OF 10TH AVENUE NORTH AND BOUTWELL

ROAD, 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.

William Waters, Community Sustainability Director, explained that the applicant proposed to voluntarily annex 6.54 acres for a project known as Southport. The request would fall within the scope of a small-scale comprehensive plan amendment. He explained that the parcel located in Palm Beach County fronted on 10th Avenue North and lied along the western border of the City's Mixed Use-West (MU-W) zoning district. He said the future land use designation of MU-W was appropriate for the site and was consistent with adjacent properties along 10th Avenue North. He said this ordinance was a companion to Ordinance Nos. 2016-02 and 2016-03.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve Ordinance No. 2016-01 on first reading and schedule the public hearing date for January 5, 2016.

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

Rodney Romano said he purchased properties around the project and hoped that this project would not impact his residential properties. He said he was not antidevelopment as long as it did not impact on residential properties. He asked the developer to reduce the density.

Christina Morrison said this area was in dire need of change. She supported anything that would make the area more usable and friendly into the Park of Commerce.

Mr. Williams explained that Mr. Romano's concerns would be discussed during the site plan review phase at the Planning and Zoning Board meeting.

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

2. **Ordinance No. 2016-02 – First Reading – Small Scale Future Land Use Map Amendment and schedule the public hearing date for January 5, 2016**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-02 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 COMMERCIAL HIGH INTENSITY/8 DWELLING UNITS PER ACRE AND COMMERCIAL LOW INTENSITY/8 DWELLING UNITS PER ACRE (CH/8;CL/8) TO A CITY OF LAKE WORTH DESIGNATION OF MIXED USE WEST (MU-W); PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve Ordinance No. 2016-02 on first reading and schedule the public hearing date for January 5, 2016.

William Waters, Community Sustainability Director, announced that this ordinance was a companion to Ordinance Nos. 2016-01 and 2016-03. He explained that this ordinance amended the City's Future Land Use Map, including a small scale amendment to its Comprehensive Plan as part of a voluntary annexation.

Mark Rickards, Kimley Horn, explained that the Park of Commerce efforts established a western boundary in Lake Worth, which was a canal. The City's Comprehensive Plan addressed the appropriate land use category and zoning for this property. He said the City's Planning and Zoning Board process protected single-family properties. Additionally, the applicant would provide additional setbacks to buffer the surrounding residential properties. He announced that a site plan would be submitted in the first part of 2016.

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

Rodney Romano suggested zoning the property Multi-Family 20 (MF-20) instead of Mixed Use-West.

Mr. Rickard responded that the MF-20 zoning would neither be consistent with the surrounding properties nor the City's Comprehensive Plan.

Vice Mayor Maxwell left the meeting at 8:09 PM and returned at 8:11 PM.

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

3. Ordinance No. 2016-03 – First Reading – rezoning property and schedule the public hearing date for January 5, 2016

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-03 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 MIXED USE – WEST (MU-W); PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve Ordinance No. 2016-03 on first reading and schedule the public hearing date for January 5, 2016.

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

Comments/requests summaries:

1. Vice Mayor Maxwell asked to meet with Mr. Rickard and Mr. Romano to learn more about the project and concerns.
2. Mayor Triolo asked for an opportunity to learn more about the project prior to the January 5, 2016, second reading of the ordinance.

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

Mayor Triolo recessed the meeting at 8:15 PM and reconvened at 8:28 PM.

B. Ordinance No. 2016-04 – First Reading – rezone a portion of the Gulfstream Hotel and schedule the public hearing date for January 5, 2016

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-04 OF THE CITY OF LAKE WORTH, FLORIDA; CHANGING THE ZONING OF THE PROPERTY DESCRIBED IN EXHIBIT A FROM A CITY ZONING OF MEDIUM-DENSITY MULTI-FAMILY RESIDENTIAL (MF-30) TO A CITY OF LAKE WORTH ZONING OF DOWNTOWN (DT); PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Torcivia explained that this rezoning was a quasi-judicial hearing. The Commission was both judge and jury and their decision would be based on sworn testimony. He asked each of the Commission if they had any ex parte communication with the applicant.

Comments/requests summaries:

1. Commissioner McVoy commented that he was contacted by Hudson Holdings, told them he would get back to them, but then decided not to meet.
2. Vice Mayor Maxwell and Commissioners Amoroso and Maier commented that they had no ex parte communication.
3. Mayor Triolo commented that she received a phone call from Hudson Holdings, but met with no one. She said she did visit the site.

City Attorney Torcivia explained that staff would provide a presentation. If the public wanted to offer testimony they would be sworn in individually and could be cross examined by staff or the applicant. He announced that the public comments, made by individuals who did not want to be sworn in and provide testimony, would hold less weight than those providing testimony. He explained that individuals providing only public comments would not be cross examined.

Comment/request summary:

4. Vice Mayor Maxwell asked for an explanation as to why the previous zoning request on the agenda was not considered quasi-judicial.

William Waters, Community Sustainability Director, replied that this request was the first time the City chose to rezone property from its original zoning. The previous agenda item was an initial zoning because of an annexation. He explained that this rezoning would place the property more in line with the City's Comprehensive Plan.

Mr. Waters explained that the applicant was preparing applications to renovate and redevelop the historic Gulfstream Hotel properties. The applicant proposed to rezone seven parcels for the proposed project, serving to revitalize the downtown corridor between the retail/restaurant uses and the beach and casino area. In order for the project to move forward, the applicant must first rezone the Multi-Residential (MF-30) portion of the property to Downtown (DT).

On November 18, 2015, the Historic Resources Preservation Board (HRPB) members unanimously recommended approval to the Commission, which covered changing the zoning and included a condition

to require the petitioner to implement a Unity of Title for the subject parcels. The HRPB members also suggested, as a condition of approval, that any proposed development be compatible and harmonious with the historic integrity and character of the local historic district.

Bonnie Miskel, on behalf Hudson Holdings, explained that the applicant petitioned for a Downtown (DT) zoning. She explained in detail the property location, existing zoning, application request, conceptual site plan, and rezoning criteria.

City Attorney Torcivia swore in Bonnie Miskel and William Waters who provided testimony.

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to approve Ordinance No. 2016-04 on first reading and schedule the public hearing date for January 5, 2016.

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

City Attorney Torcivia swore in each of the following individuals providing testimonies separately:

Lisa Stewart said she did not oppose the plan, but that it was approached through the "back door." The residents approved a charter amendment to reduce building heights from 65 feet to 40 feet in the downtown area. If this was the right thing to do, then the issue should be up to the voters to decide. To bypass this would be unconstitutional.

City Attorney Torcivia explained that the State Legislators took away citizens right to vote on height issues. In 2013, the State passed legislation, retroactively, that voters rights were null and void. The Comprehensive Plan, adopted by the City, was what was currently in effect.

Michelle Sylvester, said she represented the downtown businesses and supported the Gulfstream Hotel, revitalization of the downtown corridor, HRPB's recommendation, and ordinance to allow the project to move forward.

Rosann Malakates said that changing the zoning to DT would raise the building heights to 65 feet. In 2013, she said there was a vote by the residents and did not believe their vote was null and void. The Commission was not recognizing their vote. A notice was mailed to those individuals living within 400 feet of the property, but no consideration was given to those individuals who showed an interest in keeping the whole City low rise. She commented that she wanted this project done correctly and the Commission did not respect the voters.

Gael Silverblatt said it would be wonderful to have the Gulfstream Hotel open and that Hudson Holdings should be encouraged to open the Hotel. The rezoning to DT would allow Hudson Holdings to build six stories. The developer claimed a two-story garage would be built, but if the zoning was approved, then six stories would be allowed. With the rezoning came a reduction in setbacks.

Maryann Polizzi said she supported Hudson Holdings. There were many buildings in the City that were tall. She said she was discouraged today because she received an email about a Commissioner sending out emails asking for votes and to be heard about the zoning. She said that was not appropriate from a Commissioner. The City needed to grow and be unified. The diversity in the City was out of control. She asked the Commission to grant Hudson Holdings what they wanted.

Jo-Ann Golden said the majority of the Commission continued to pursue their own vision, and approving the rezoning would exceed the charter amendment approved by the voters. The zoning change would impact the low rise surrounding area. She said three votes could change the residents. A better way could be found to receive 8% of tourist dollars. This zoning change was against a charter amendment voted on by the residents.

Christina Morrison said she represented many owners in Lake Worth and that most of her work was in the Park of Commerce. This was an existing historic building that sat empty for 10 years. This building needed to be renovated, and a vibrant downtown area needed a hotel. She asked the Commission to approve the ordinance.

Commissioner Amoroso left the meeting at 9:22 PM.

Noam Brown said he wanted his child to come tonight because the child walked with him a couple of years ago for the height limit charter amendment. He said his child wanted to come tonight to understand why, if people voted for something, the decision could be flipped and how State representatives could make that vote null and void. He said his child did not understand how government representatives did not vote for the popular voters. This issue was an opportunity for the governing body to consider the height limits. He asked the Commission to consider the "will of the people" when considering their vote.

Commissioner Amoroso returned to the meeting at 9:24 PM.

Betty Resch commented that she supported the ordinance. The Gulfstream Hotel had been standing empty for years. There was a need for meeting or wedding rooms to be provided. There was a five or six-story nursing home a block away from her home and no one knew that it was there. There was a need for a six-story hotel and a need for it in the

City. She said she was sad that people were politicizing this issue. The ordinance was good for the City.

Lynda Mahoney said she lived one block away from the subject property and could see the hotel. This ordinance would allow another building to rise from the ground. She said she objected to anything that was higher than 45 feet. The height proposed would allow for additional residential use and traffic congestion on the one-way streets. She said her property and quality of life would be negatively impacted. This zoning would stay with the property, and new owners could do whatever they wanted. She said she did not believe that the zoning was needed to open the Gulfstream Hotel.

Ginny Powell commented that she found it surprising that the entire HRPB members voted unanimously to move forward with the rezoning. This was a historic preservation board, and their vote violated their whole being. She said she lived in a historic district and needed to provide detailed information to the HRPB for a back door. She said she was happy that she lived in a historic district, but this situation was contrary to the issue of being in a historic district.

Richard Stowe said he supported the renovation of the iconic Gulfstream Hotel and the dollars that it would bring to the City, but he opposed the ordinance. Denying the ordinance would strengthen the project. Maintaining a Multi-Family 30 (MF30) zoning category would be sensitive to the neighborhood. The height limit would provide relief and sustainability and would not be bad for the environment. He said the applicant would construct a parking garage.

Arthur Braughton said he supported the project. He commented that he did live in Lake Worth when the height limit issue was voted on and understood the decision of the State. To quiver over 20 feet was a distraction and set the City backward. This was the time to move forward. A "no" vote on the ordinance was a vote for stagnation. He asked the Commission to vote wisely.

Laurel Robinson commented that everyone needed to recognize that the discussion tonight was not about the design of the property, but the mechanism to move the development forward. When development was done, there was a need for scale. One does not have boutique hotels without parking. She said she lived one block from the property and did not want to see something ugly. This ordinance was a tool to move the project forward.

Chip Guthrie said that one of his first jobs in Lake Worth was a busboy at the Gulfstream Hotel, and the workers lived in a five-story structure. People stayed in the hotel for months, and his company installed new plumbing in the hotel to make it more viable. He said he was looking

forward to this project moving forward and allowing Hudson Holdings to proceed. Without the zoning, the developer could not build the other structures to make the property viable. There would be ample time to provide comments about the site plan when it comes up.

Janet Labanara said she supported the rezoning request and the reopening of the Gulfstream Hotel. She advised that she was a new resident, was working on her 1925 cottage, and was very interested in the revitalization of the area. This development was very important and good for the City. She said she was sympathetic towards the voters about the height limit, but the HRPB would impose mandates and the developer's plan would be scrutinized. The development would be consistent with the community, and she asked the Commission to approve the ordinance.

Greg Rice said that, for five or six years, there was discussion about what it would take to get the Gulfstream Hotel reopened. Commissioner McVoy had made a comment about the hotel rooms and bathrooms being small, and that they should be rented to small people. Over 20 years ago, there was a charter amendment about 65 and 100 foot height limitations because of the City's economy. This ordinance was an important issue for the City to realize the need to move forward.

Martin Welfeld said no one had been saying anything new. The issue boiled down to what direction the City going. Was it moving forward or backwards. The Gulfstream Hotel had been void of opportunities for 10 years. Lake Worth was the second poorest community in the County. He said he wanted to see Lake Worth move forward and suggested a new name, "Lake Worth Success." He said it would be interesting to learn who wanted to move the City forward and who wanted to drag it backwards.

City Attorney Torcivia announced that the following individuals provided public comments, were not sworn in, and did not offer testimonies:

Melissa Jones said she was a new resident in Lake Worth and purchased a home. She said she had opportunities to travel and lived in many cities. She commented that she was involved with many city councils and loved Lake Worth because she saw great potential. She said she had been welcomed by her neighborhood association. She commented that she noticed the Gulfstream Hotel and had witnessed, in other cities, other empty hotels being opened and revitalizing the cities. She said she respected the comments made from those individuals who did not support the ordinance, but said that she did.

David Simms commented that having height limits did not hold a city back. Without the height limits, Lake Worth could become a mini West Palm Beach or Delray Beach. The heights in the downtown area gave Lake Worth a unique character, which had value. The City could have height limits and still build the project in order to make the residents happy.

Mayor Triolo read the comments written by Tammy Pansa. Ms. Pansa wrote that [the City] needed the Gulfstream Hotel and the plans moving forward. Let's not "bicker the town into a large rotting hole." Instead of a historic landmark, open the hotel. [She wrote asking] to see more published and public plans posted on the City's website and wanted the Gulfstream Hotel open in the near future.

Mayor Triolo read the comments written by Mark Herbert. Mr. Herbert wrote that the Gulfstream was a historical landmark and needed to be saved. It sat dormant for too long. This project had to move forward or [the City] risked losing this jewel of the City.

Peggy Fisher said the issue before the Commission was zoning and not the charter referendum; however, there was an email sent about the legality of the referendum. The City needed the hotel to open. The new construction's height would be lower than the existing Gulfstream Hotel. People who attended the HRPB meeting were told to state why there was an objection. The HRPB unanimously voted to approve the request for rezoning because it met the City's Land Development Regulations. The Commission's vote should not be based on people's opinion, but on what was allowed in the Code. The State took away citizens right to vote on height issues, and the legislators retroactively passed legislation that null and voided voters rights. Residents have to move the City forward and provide resources to fix roads and pipes.

Mayor Triolo read the comments written by Lynn Anderson. Ms. Anderson wrote that this upzoning request ignored [residents'] vote and its outcome on the charter amendment. [The Commission] could have honored [residents] vote, but chose to ignore it. [Residents] were the people [the Commission] served. [She asked if the City] was still a democracy. She reminded [the Commission] that there was a charter amendment on heights. No matter how [the Commission] felt personally, the people won at the ballot box on 45 feet in the area of the Gulfstream. As elected representatives of all who have standing in this endeavor, those who campaigned for and who voted for this charter amendment expect [the Commission] to honor this vote.

Mayor Triolo read the comments written by Laurence McNamara. Mr. McNamara wrote that Florida Statutes 166.031 authorized citizens of any municipality to amend their charter in the exact way citizens did so to limit development in the downtown area encompassing the Gulfstream property to 45 feet. Citizens were disenfranchised by a questionable opinion offered to the sitting Commission by the Assistant City Attorney based on post facto legislation, which was used to ignore the citizens charter amendment and refused to place the amendment into the Charter. Post facto legislation was illegal in criminal cases and was becoming indefensible in civil cases with great regularity. To avoid exposing citizens

to another lawsuit, it would be prudent for [the Commission] to reject this rezoning application and require the purported developer to work within the existing zoning regulations and the 45 foot limits of the charter amendment. A City charter was the constitution of a municipality and its highest law. Ignoring it would put the developer and the City at risk of any construction in violation of its limits.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to extend the meeting one hour in accordance with Rule 1 of the Commission's Rules of Procedure.

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

Mayor Triolo read the comments written by Mary Watson. Ms. Watson wrote that she was very much in support of finally redoing and preserving the historic Gulfstream Hotel. It was high time this structure was addressed rather than slip further into ruin. [She wrote that] she was strongly opposed to the precedent about to take place of developers taking precedence over zoning laws, citizen votes, and constitutional amendments. She attended the meeting of the HRPB where this was approved and was very surprised to hear that a seated member of the board was not even aware that variances could be disapproved. This gave the impression of rubber stamping any development. The City had always been praised for its "small town" character. Until a few weeks ago this was on the face page of lakeworth.org. The downtown area was unique for its low rise diversity of boutique shops, neighborhood watering holes, and high end restaurant and antique shops. This added two-story height would destroy that ambiance and herald seven-story profiteering at the expense of the very character that had been [the City's] landmark.

Mayor Triolo read the comments written by Wes Blackman. Mr. Blackman wrote that the Gulfstream Hotel was the tallest building on [the City's] waterfront. Nestled among other buildings of a similar size, scale and height. You could say the hotel occupied the most prominent location in the City. It was on [the City's] main street that led to the downtown and City beach. For 90 years, the building had stood, watching the City and society change around it. We, the residents and elected officials, were vested with the responsibility of creating the right environment for this property. Not only to survive, but thrive. Other residents who had come before us recognized its importance to the community. The hotel was placed on the National Register of Historic Places in 1983. [He wrote that] he lived in Lake Worth for 23 years. Most of his memories of the Gulfstream Hotel were of the building being closed. This was not the fault of the current owners of the property. It was not the fault of the previous owners of the property. There was a series of long existing conditions that had contributed to its closure - - some going back 30 and 40 years. Dixie Highway, replaced by I-95 as the main means of travel through and to

south Florida communities, was one. Rooms in the building were too small to be attractive in the present tourist marketplace was another. Lack of adequate and convenient parking was another. [The City] needed a vibrant, historic, first class flagship hotel in Lake Worth, hosting visitors from around the world and having them contribute to the economic health and vitality of the City.

Mayor Triolo read the comments written by Teresa Miller. Ms. Miller wrote that there were questions to be asked. Why were the few so violently anti-progress? Were they afraid streets and sewers would be fixed, afraid streetlights would be installed in dark neighborhoods, afraid fire hydrants would be available where none existed? Were they afraid property values, including theirs, would increase? Clearly, improving Lake Worth was nothing to fear. [She wrote] that she was baffled by the fear that some harbor and encourage. Lake Worth needed jobs, needed repairs, needed money, and businesses needed customers. The City did not participate in the huge tourist revenue generated by visitors to Florida. [Residents] had an historic opportunity to change that. The Gulfstream rebirth was an opportunity for Lake Worth that the City could not afford to miss. [She wrote asking] why, why, why would anyone not want to improve this City? What were their real motives? Now was the time for all [residents] who wanted what was right and good for Lake Worth, who wanted to move this City forward, and to stand up and make their desires known here tonight and at the voting booth in 2016. Lake Worth needed the help and support of every rational person to move this City forward.

Mayor Triolo read the comments written by Anthony Marotta. Mr. Marotta wrote that his fiancé and he decided to move to Lake Worth just over two years ago when they found a beautiful historic home built in 1912 right near the water, across the street from a golf course, and with many great amenities nearby in an up and coming City. After finding such a great place with so much to offer they spent much time researching the local political climate and City management. [He wrote] that they found the City management and Commission in place at the time had been working very hard and laying great groundwork to bring Lake Worth forward and try to undo the many years of what seemed to be intentional mismanagement. This encouraging direction convinced them that Lake Worth was the place to invest their future in and call their community. [He wrote] that they liked the feel and charm of the City and knew of its wonderful potential. [He wrote] that he was a firm believer in respectful smart growth and progress to improve upon the City and provide an improving quality of life to its residents.

Comment/request summary:

5. Mayor Triolo commented that the property could not be divided because of the Unity of Title.

Commissioner Amoroso left the meeting at 10:07 PM.

Commissioner McVoy read the comments written by Sander Schrantz. Mr. Schrantz wrote that three years ago he and his wife purchased a triplex on South M Street that had previously been an active sober home and was suffering from years of neglect and shady property management practices by absentee landlords. Over the past three years they had invested everything they had and more to completely and legally renovate the property. [He wrote] that he was proud to say that they now lived on the property and were renting out the additional renovated units to young, local working professionals including a young family with a toddler. They hoped that their hard work and investment would give them a place to start their own family in the little beach town they loved. They chose Lake Worth for several reasons and certainly the small town neighborhood feel was a major factor. They liked the laid back, low-rise eclectic feel of the City and preferred this to other more developed and bustling local cities such as West Palm Beach and Delray Beach. [He wrote] strongly supporting Hudson Holdings recently proposed plan for renovating and upgrading the historic Gulfstream Hotel and encouraged the Commission to approve the proposed rezoning application that would allow their plan to come to fruition. The proposed rezoning and subsequent renovation plan would be a major win for the City and all of its residents. It would not, change the low rise feel of the City. All one needed to do to understand this was to go stand in the spot where the proposed plan would take place. The historic hotel itself was over 70 feet in height. To claim that this proposal would negatively affect the City and change its small town feel was absurd. What this proposal would do was convert a decade old dilapidated building into a beautiful and active historic hotel, which would be a point of pride for the City and attract more young families.

Commissioner McVoy read the comments written by Brenda Smith. Ms. Smith wrote that [she, Michael Stetser, and Arjuna Smith] were residents of Lake Worth and unable to make this important meeting, but would like their voices heard. They moved to this town many years ago. Due to the fact that it was not built up like all the other waterfront towns with huge buildings blocking their waterway view. In the process of living here and loving this town, they got eight other families to purchase homes in their great town for the same reason. If [the Commission] started changing their rules and deregulating the height of buildings, [residents] would lose the charm of their great city. Please do not allow Hudson Holdings to build any larger than the original 45 feet to keep the quality, resident base they had now in their great city. They love their water and wanted to keep their city safe and enjoyable.

Commissioner McVoy read the comments written by Cheryl Leventhol and James Thompson. Ms. Leventhol and Mr. Thompson wrote that they would like to express their concern and dismay about a very important issue. [They wrote that] they had been residents for 26 years and were

deeply disturbed that the Commission was not listening to the people who voted on an issue two years ago to limit the heights. It seemed [like] that fact was being ignored. They did not know who, other than Hudson Holdings, who would benefit from this project, but [wrote that] they were stunned because there seemed to be no vision regarding Lake Worth. If there was a benefit to the City and residents, it was dwarfed by the cost, which was not only monetary. [They wrote] asking the Commission to keep this project within the bounds for a reason. This City was unique and its charm and beauty. It was one of the last places that was still a remnant to "Old Florida." [They wrote that] they grew up in South Florida and were saddened to see such "limited vision" as to how to improve the City. [They asked] if [the Commission] was picturing a Delray Beach or West Palm Beach. [They asked the Commission] to try and picture Lake Worth for its uniqueness and character. Please do not go down the same destructive path [they had] seen all around them.

Commissioner McVoy read the comments written by Robert Potochnik. Mr. Potochnik wrote to please inform the Commission that he did not want the height limits or rezoning. This was a simply "build and flip" company as their reputation indicated. The people had spoken, "no raise in building heights." In fact, lowering [the heights] would be better.

Commissioner Amoroso returned to the meeting at 10:13 PM.

City Attorney Torcivia explained that this was the time for cross examinations or rebuttals.

Ms. Miskel said she would make her closing statements. As a quasi-judicial hearing, the Commission was acting like a judge; however, they could visit the site and could have ex parte communication. The Commission must be impartial and weigh the evidence. She said she was required to show evidence of complying with the law - - it was not a charter invalidated by the State. She said she was sympathetic to the voters, but the State nullified their vote, and the Commission could not take into consideration the charter because it was invalidated and not a law. The City's Comprehensive Plan and Land Development Regulations were the Commission's laws. There was no competent evidence brought forward by the opposition to deny the request. She asked the Commission to support the laws in effect and pass this ordinance.

Comments/requests summaries:

6. Mayor Triolo commented that this agenda item had nothing to do with building heights.

City Attorney Torcivia replied that the issue was a rezoning. This item was a middle step towards development of the property. Later a site plan would be submitted for approval. There were criteria for the

zoning, which were addressed by Mr. Williams and had specific uses. The HRPB voted that the rezoning was consistent with the City's Comprehensive Plan and people had to follow it. The decision before the Commission was if this request followed the City's laws.

Mr. Williams replied that the provisions of the charter did not apply to this property. Staff was on top of the issue and wanted to assure the Commission that no part of any new construction would exceed 65 feet.

7. Vice Mayor Maxwell commented that the City's Land Development Regulations lowered the heights throughout the City except for a six-block area east of Federal Highway and west of Golfview Road in the downtown area. Over 100,000 people attended the Street Painting Festival this year, but there were no hotels for them to stay.
8. Commissioner McVoy commented that it was up to the Commission to judge whether this rezoning was compatible to the City's rules.

City Attorney Torcivia replied that the Commission had to decide whether this rezoning was consistent with the City's current plan.

9. Commissioner Maier commented that, it was pointed out, that the zoning would last beyond Hudson Holdings and any new owner could build to the maximum. It was pointed out that a lawsuit was filed and cases could be dismissed without prejudice and still had the possibility of moving forward. One resident in support of the ordinance mentioned that they had experience working with other elected officials. More voters turned out to vote on the height limitation. The Commission's job, under the law, was to represent the majority of the voters. The hotel needed to be reopened for the economic benefit of the community, which was the voters. The majority wanted the hotel to be opened based on their vote.
10. Commissioner McVoy commented that assertions made from the applicant and said it was incumbent on the Commission to see if the applicant met applicability. Many issues were not black and white. Would they negatively impact the surrounding property owners, which would be predictable? As a judge, the Commission needed to determine what would happen. Some things would be known such as traffic, which would have a negative impact on property owners. Setbacks could also have a negative impact. He said he heard a lot about the economics of the City; however, there were plausible evidence that Lake Worth was different from other communities and Delray Beach had already been identified as having a negative impact. As a judge, he said he had to take into consideration those things.

11. Mayor Triolo commented that the Gulfstream Hotel had been empty for years and if the hotel was renovated at its current 90 rooms, there would be a traffic impact. She said heights were lowered all over the City through the Land Development Regulations except for construction of a hotel with 50 rooms or more in the downtown area. People voted against the height limits because they were told a skyscraper could be built in residential areas on M or O Streets.

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

Mayor Triolo recessed the meeting at 10:41 PM and reconvened at 10:49 PM

C. Ordinance No. 2016-05 – First Reading – amend the hours of sales for alcoholic beverages and schedule the public hearing date for January 5, 2016

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-05 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 5 "ALCOHOLIC BEVERAGES", SECTION 5-4, "HOURS OF SALE", TO ALLOW ALCOHOL SALES ON SUNDAY MORNINGS AND TO PROHIBIT THE SALES OF ALCOHOL FOR OFF-PREMISES CONSUMPTION AFTER 10:00 P.M., SUNDAY THROUGH SATURDAY; AND PROVIDING FOR SEVERABILITY, REPEAL OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2016-05 on first reading and schedule the public hearing date for January 5, 2016.

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 Maier. NAYS: None.

13. LAKE WORTH ELECTRIC UTILITY:

A. PRESENTATION:

- 1) Update on the electric utility system

No update was provided.

B. CONSENT AGENDA:

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

C. PUBLIC HEARING:

1. Resolution No. 67-2015 – Public Hearing – abandon six utility easements that run through the center of the Wawa project

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

RESOLUTION NO. 67-2015 OF THE CITY OF LAKE WORTH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF SIX (6) EXISTING UTILITY EASEMENTS LOCATED AT THE NORTHEAST CORNER OF LAKE WORTH ROAD AND SOUTH CONGRESS, AS RECORDED IN THE FOLLOWING: PLAT BOOK 27683, PAGE 191; BOOK 27522, PAGE 366; BOOK 27619, PAGE 1335; BOOK 27687, PAGE 1488; BOOK 08390, PAGE 0158; BOOK 23286, PAGE 1399; BOOK 27685, PAGE 1478; BOOK 20501, PAGE 683; and, BOOK 24741, PAGE 242, OF PALM BEACH COUNTY PUBLIC RECORDS; PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to approve Resolution No. 67-2015.

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 Maier. NAYS

D. NEW BUSINESS:

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

14. CITY ATTORNEY'S REPORT:

City Attorney Torcivia wished everyone a Happy Holiday.

15. CITY MANAGER'S REPORT

A. January 5, 2016 – draft Commission agenda

City Manager Bornstein wished everyone a Happy Holiday.

16. ADJOURNMENT:

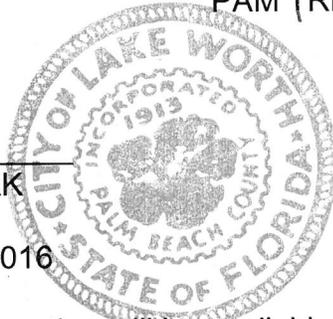
Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to adjourn the meeting at 10:51 PM.

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


PAM TRIOLO, MAYOR

ATTEST:


PAMELA J. LOPEZ, CITY CLERK



Minutes Approved: January 5, 2016

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