

**MINUTES  
CITY OF LAKE WORTH  
REGULAR MEETING OF THE CITY COMMISSION  
APRIL 5, 2016 – 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:00 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth, Florida.

**1. ROLL CALL:**

Present were Mayor Pam Triolo; Vice Mayor Scott Maxwell; and Commissioners Christopher McVoy, and Andy Amoroso. Also present were City Manager Michael Bornstein, City Attorney Glen Torcivia, and Interim City Clerk Karen Hancsak.

It was noted that Commissioner Maier was ill and absent with notice.

**2. INVOCATION OR MOMENT OF SILENCE:**

Pastor Quesnel Delvard, Sacred Heart Church, provided the invocation, on behalf of Vice Mayor Maxwell.

**3. PLEDGE OF ALLEGIANCE:**

The pledge of allegiance was led by Commissioner McVoy.

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

Commissioner McVoy requested that the two proposed agenda additions be moved from the proposed Consent Agenda to New Business. After clarification by City Attorney Torcivia, it was determined that a motion could be made by the Commission to keep the proposed additions in the agenda where recommended by the staff.

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

- A. Add to Consent Agenda, Item G – Approval of Resolution No. 19 – 2016 to Support Palm Beach County's Sales Tax Increase
- B. Add to Consent Agenda, Item H - Adoption of Interlocal Agreement Supporting Palm Beach County's Sales Tax Increase

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

**5. PRESENTATIONS:**

**A. City Tree Board Update**

Richard Stowe, Board Chair, provided the Commission with an update on the Board's activities that have taken place over the past several months.

**B. Palm Beach County School District and PBSO-Breaking the cycle of Gang Recruitment**

Ms. Rebecca Hinson provided a brief video outlining the "Breaking the Cycle of Gang Recruitment" program. Deputy Zuchowski provided a brief presentation and explained the deputies help the local youth build Lego model cars and visit Legoland, teaching them life lessons along the way and building relationships. The audience applauded their participation and efforts in this important program to our youth.

**C. Downtown Jewel Neighborhood Association Update**

Jon Faust, Downtown Jewel Neighborhood Association President, provided the Commission with an update on activities in the neighborhoods.

**D. Proclamation declaring April 10-17, 2016 as National Volunteer Week**

Mayor Triolo read a proclamation declaring April 10-17, 2016 as National Volunteer Week.

**E. Proclamation declaring April 10-16, 2016 as National Library Week**

Mayor Triolo read a proclamation declaring April 10-16, 2016 as National Library Week

**F. Proclamation declaring April 22, 2016 as Earth Day**

Mayor Triolo read a proclamation declaring April 22, 2016 as Earth Day.

Due to a computer problem Items B and A were heard last.

**6. COMMISSION LIAISON REPORTS AND COMMENTS:**

Commissioner McVoy: wished to convey to the audience what it was like to serve as a Commissioner. He stated that serving had its ups as well as downs with a fair amount of commitment and time which can place a burden on one's own safety. He commented that whether there is a majority or minority among the Commission there still needs to be solidarity for the safety of all.

Vice Mayor Maxwell: reiterated his concerns regarding the direction and feedback concerning the ongoing road infrastructure and beach financial concerns. He also requested information on a lawsuit filed regarding the Gulfstream Hotel, to which City Manager advised he would address his concerns during his report later in the agenda.

Commissioner Amoroso: mentioned the upcoming Reggae Fest this weekend and the Children on Kiwanis event. He also mentioned the ribbon cutting for the water improvements at College Park.

Mayor Triolo: commented on the City's superior water quality and that replacement of the water lines will only enhance the City's water system. At this point Brian Shields produced a section of the rusted piping being replaced with duct iron piping.

Mayor Triolo expressed concern regarding Commissioner McVoy's comment regarding safety and encouraged him to share the concern with her and a staff member because she too has been a victim of unfriendly gestures by the public.

Mayor Triolo thanked the Recreation Dept. for the incredible parade for Easter and felt these old fashioned events should continue.

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

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

Lynn Anderson questioned the proposed sales tax resolution and whether an explanation has been provided on where the extra revenue would be allocated. She felt there should be details on how Lake Worth would benefit.

**8. APPROVAL OF MINUTES:**

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

- A. **City Commission Special Meeting – March 18, 2016**
- B. **City Commission Meeting – March 22, 2016**

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

**9. CONSENT AGENDA:**

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

- A. Amendment to the Memorandum of Understanding (MOU) with Palm Beach County**
- B. Monument Sign Access and Easement Agreement for the Woodspring Suites West Palm Beach Florida South Lake Worth, LLC**
- C. Approval of Contract for Sale and Purchase of 628 South K Street**
- D. Approval of Contract for Sale and Purchase of 431 North L Street**
- E. Approval of construction contract with One Call Property Services, Inc. for \$133,892.68**
- F. Approve inter-local agreement with Drowning Prevention Coalition of Palm Beach County for swimming lesson vouchers**
- G. Approval of Resolution No. 19 – 2016 to Support Palm Beach County’s Sales Tax Increase (addition)**
- H. Adoption of Interlocal Agreement Supporting Palm Beach County’s Sales Tax Increase (addition)**

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

**10. PUBLIC HEARINGS:**

- A. Ordinance No. 2016-11 – Second Reading – Small Scale Future Land Use Map Amendment**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-11 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 CITY OF LAKE WORTH LAND USE DESIGNATION OF PUBLIC (P) TO A CITY OF LAKE WORTH DESIGNATION OF MIXED USE EAST (MU-E); 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. 2016-11 on second reading.

William Waters, Community Sustainability Director, explained that the ordinance amended the City's Future Land Use Map to change the designation of approximately .4646 acre, located on the northeast corner of Lucerne Avenue and North F Street, from Public (P) to Mixed Use – E (MU-E). He said the applicant was preparing applications to develop the second phase of the Urban Arts loft.

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, and Amoroso. NAYS: None.

**B. Ordinance No. 2016– 12 – Second Reading – rezone property located at the northeast corner of Lucerne Avenue and North F Street**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-12 OF THE CITY OF LAKE WORTH, FLORIDA; CHANGING THE ZONING OF THE PROPERTY DESCRIBED IN EXHIBIT A FROM CITY OF LAKE WORTH ZONING PUBLIC (P) TO CITY OF LAKE WORTH ZONING MIXED USE – EAST (MU-E); 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. 2016-12 on second reading.

William Waters, Community Sustainability Director, explained that the ordinance would rezone approximately .4646 acre from Public (P) to Mixed Use-East (MU-E) zoning district and was a companion item to Item 10 A.

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, and Amoroso. NAYS: None.

**C. Ordinance No. 2016-13 – First Reading and First Public Hearing – amend various sections and tables in the City's Land Development**

**Regulations and schedule the second public hearing date for April 19, 2016**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-13 OF THE CITY OF LAKE WORTH, FLORIDA; AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE I DIVISION 2, SECTION 23.2-12, DEFINITIONS; ARTICLE 2, DIVISION 3, SECTIONS 23.2-30 SITE PLAN REVIEW; ARTICLE 3, DIVISION 1, SECTION 23.2-15, NOTICE REQUIREMENTS; ARTICLE 3, DIVISION 1, SECTION 23.3-6, PERMITTED USE TABLE; ARTICLE 3 DIVISION 2, SECTION 23.3-17, MU-DH – MIXED USE DIXIE HIGHWAY; ARTICLE 4, DEVELOPMENT STANDARDS, SECTION 23.4-3, EXTERIOR LIGHTING; SECTION 23.4-6, HOME OCCUPATIONS, SECTION 23.4-10, OFF-STREET PARKING; ARTICLE 5, SUPPLEMENTAL REGULATIONS, SECTION 23.5-1, SIGNS; ARTICLE 6, ENVIRONMENTAL REGULATIONS, SECTION 23.6-1, LANDSCAPE REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

William Waters, Community Sustainability Director, explained that the ordinance amends Chapter 23, Land Development Regulations to provide clarification, edits, and additions to the LDR's definitions; notice requirements for public hearing; site plan review; zoning districts; development standards; off-street parking; sign code; and, and landscape regulations. He described each proposed change, adding that the most substantial changes involved landscaping, which was lacking for commercial properties.

Comments/requests summaries:

1. Vice Mayor Maxwell commented that he felt the amendments to the Home Occupations section of the code was a solution looking for a problem. He stated that the original portions in paragraph a and b of this section should remain the same, without any proposed changes, and that #11 and #12 in paragraph b should be stricken entirely, citing that they were unenforceable. He also stated there should be more teeth in the ordinance to properly enforce.
2. Commissioner McVoy stated he has heard concerns regarding home occupations for some time and commented that the City prides itself on the city "Where Art is Made". He felt the artists had two options – either create art on the "QT" or don't do it, even though we encourage it. He felt the ordinance needed to focus on what is not favored such as: noise, vehicle parking, or traffic and not set obstacles. He commented that in this age there has been changes in our economic models and now there is a wider

range on how people make a living. The City needs to find ways to protect everyone's interests but also how to prosper, and should possibly research some larger successful cities such as Portland or Austin.

3. Commissioner Amoroso agreed with the comments made by the other commissioners but he was concerned with opening up something that has not been vetted in the community. He felt there should be a workshop. He commented that he was alright with the ordinance with the exception of the audible section in paragraph b citing it has to be consistent. He concluded by stating that he felt the City is changing single family residential to commercial.
4. Mayor Triolo felt a workshop would also be beneficial because she felt that a study should be done to include concerns including traffic, parking, and changing the feel of single family areas (citing the existence of various zoning districts).
5. Vice Mayor Maxwell commented that while larger cities such as Portland are provided as examples, they also have the infrastructure to support various code provisions. He added that focus was given to artists when in fact the ordinance addresses home occupations in general.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2016-13 on first reading and first public hearing subject to the following exceptions to Home Occupations, Chapter 23, Zoning: paragraph a and b through b #4 contain no proposed changes from the original form (with the exception of correcting the error of If to Is in paragraph a and changing Person to Persons in paragraph b #1); b #5 remain as proposed; and b #11 and #12 be stricken from the proposed ordinance and schedule the second reading and second public hearing date for April 19, 2016.

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

Michael Chase Fox was in favor of the amendments, citing that a lot of research was done by the Preservation Board and Planning & Zoning, however; he felt it could have more teeth. He felt the adoption of the ordinance could increase business tax revenues for the city.

Mark Richards commented that the home occupation section is like the bathwater and the rest of the code amendments is more like the baby and it appeared there is a consensus by the Commission.

Peggy Fisher advised she had no problem with people having home occupations, however; she did have problems with what is proposed and how it could be enforced because code complaints have gone nowhere.

She also stated that all applicants applying for a business license should be required to identify the type of business.

Erica Skolte advised that she is part of Lake Worth Ace who submitted proposed workable regulations to staff and she felt this ordinance was a good start. She stated her vision was for home or garden tours in the future whereby residents would have the ability to occasionally sell a product out of the home for special events.

Mr. Szerdi felt there should be a workshop meeting to discuss this further and add some adjustments because there are potential issues with parking, additional traffic, and noise concerns. He stated most people purchase in a residential district to avoid commercial.

Comments/requests summaries:

6. Mayor Triolo felt a workshop would also be beneficial.
7. Vice Mayor Maxwell commented that he recently attended a neighborhood meeting where members of the arts community gave a presentation and he felt that what was presented and what is proposed is totally different. He commented that he was opposed to permitting customers visiting residences and also opposed to signage. He added that sober homes and vacation rentals have already been an issue.
8. Commissioner McVoy advised that he supported the concept of a workshop but the final verbiage needs to provide a balance with sensible regulations in order to benefit everyone.

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

**D. Ordinance No. 2016-14 – Second Reading – Revise the code enforcement lien reduction procedure**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-14 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATION", ARTICLE VI, "CODE COMPLIANCE", SECTION 2-69.3, "APPLICATIONS FOR LIEN REDUCTIONS, CONSIDERATIONS FOR SALE, LIEN RELEASES; FEES; FEE CAP" TO ADDRESS THE CAPS IN THE REDUCTION OF LIEN PROCESS; AMENDING SECTION 2-69.3.1, "LIEN REDUCTIONS AND RELEASE OF LIENS" TO ADDRESS LIEN SEARCHES, TO INCLUDE A RESERVATION OF RIGHTS ON BEHALF OF THE CITY IN THE COLLECTION OF LIENS, TO CLARIFY WHAT COSTS MAY BE CONSIDERED IN THE CALCULATION OF A LIEN REDUCTION, TO

ENSURE PROPERTIES SUBJECT TO A PARTIAL RELEASE OF LIEN ARE FREE OF DEBT TO THE CITY AND FOR OTHER PURPOSES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to approve Ordinance No. 2016-14 on second reading.

John Szerdi commented that the goal should be code compliance not punishing the property owner. There should be a rational way to assist the property owners that achieve compliance but get no relief or those that purchase properties already in violation. He asked for clarification of the ordinance.

Michael Chase Fox advised that he has researched this item and discovered that the City is close to owning 1,000 properties due to liens and felt there is a pattern of abuse, citing that when comparing neighboring communities they do not have as large an amount.

Comments/requests summaries:

1. Commissioner McVoy clarified that a lien reduction is only possible if the property is brought into compliance, the maximum the lien can be is 300% of the property value today, and associated improvement costs incurred can be deducted from the 300%.
2. Vice Mayor Maxwell stated a workshop was needed to discuss this further but he also reminded the Commission that an ordinance is in place that allows the Town to pursue foreclosure on a property after 30 days. He asked Attorney Torcivia whether it would be possible to transfer a foreclosure process to an investor. He felt this should be researched. He understood Mr. Szerdi's comments and felt there should be creative ways to reach some sort of balance.
3. Commissioner McVoy questioned what is entailed with a lien search to which the Interim City Clerk advised that the cost of \$110 (\$220 rush) provides information on whether there are any open assessments, building permits, code liens, or utility payments due. City Manager Bornstein advised this ordinance should improve the process by consolidating liens and providing for more recovery costs to the City. He reminded the Commission that a future code enforcement workshop will be scheduled.
4. Commissioner Amoroso commented that he attends many of the Special Magistrate meetings and the first part of the agenda is usually property owners seeking and receiving lien reductions. He felt this ordinance will work but the City must be vigilant with code enforcement because many property owners are changing

ownership by creating an LLC to avoid taxes.

Mayor Triolo left at approximately 7:52 PM and returned at 8:06 PM.

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

**E. Resolution 17-2016 – abandon 25 ft. ROW Fun Depot**

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to approve the abandonment of the right of way located adjacent to the Fun Depot property.

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, and Amoroso. NAYS: None.

**11. UNFINISHED BUSINESS:**

**12. NEW BUSINESS:**

**A. Resolution No. 18-2016 Support for baseball team in South Central Palm Beach County**

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Resolution No. 18-2016.

Comments/requests summaries:

1. Commissioner McVoy commented that although he could see a lot of people in the audience wearing Atlantic Braves t-shirts he was not in favor of the location citing the following concerns: lighting issues; traffic, noise, and replacing the natural park area with concrete. He added that some of these same concerns were previously discussed during the home occupation discussions. He felt the Commission should listen to the concerns of the residents and stated he was opposed to the proposed location.
2. Vice Mayor Maxwell stated that he resides in Lake Osborne and uses the park on a regular basis and he disagreed with Commissioner McVoy. He commented that no site plan has been proposed yet for the approximate 190 acre site. The resolution was being offered to send a message to Palm Beach County to research this location within their jurisdiction and encourage them to complete their due diligence. If the

plan is prosperous and benefits all there could be a huge financial impact, including for Lake Worth. He felt it would be irresponsible not to research the proposal.

At this point the following individuals spoke in opposition to the resolution and proposed location: Lynn Anderson; Mary Watson; Eileen Kavlock, Kay Branagan, Jim Finnegan; Jo-Ann Golden; and Richard Stowe. Some of the reasons cited included: affect the quality of life; possible deed restrictions; possible gopher tortoises present on the site; exceptional wildlife that may be affected; negative impacts to the natural area and Lake Worth residents; reduction of green space, no input from the residents, traffic issues; noise issues; and the proposal is not data driven and there are no facts regarding the financial benefits.

The following individuals spoke in favor of the resolution and proposed location: Peggy Fisher, Greg Rice; John Szerdi; Jon Faust and Richard Guercio. Some the reasons cited included: bringing the community together with many hours of enjoying baseball; the Atlantic Braves have already been located in Palm Beach County; community involvement; job creation; deterrent of youth crime activity if there is an opportunity to watch/play baseball; major league scouting opportunities for local college baseball teams; and positive economic impacts to specifically Lake Worth and the Central Palm Beach County area.

Comments/requests summaries:

3. Mayor Triolo advised she felt Palm Beach County will do their due diligence. This proposal could be very beneficial because the majority of the municipalities located in Central Palm Beach County have poverty level areas. Also, this could be very exciting for our youth to become involved in. The proposed location could provide positive economic impacts through job creation and infrastructure improvements. She concluded by stating she fully supported the approval of the resolution.
4. Commissioner McVoy commented that there should be an analysis on a proposed return on investment prior to further consideration. He reiterated that the opposition was to its location and also the loss of natural outdoor space. He commented that when people voice their opposition others still need to be respectful.
5. Mayor Triolo suggested that Commissioner McVoy inquire and obtain studies from Palm Beach County and present them to this Commission at a future meeting.

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

**B. Fiscal Year 2016-2017 Community Development Block Grant application for funding**

Action: Motion made by Commissioner McVoy and seconded by Commissioner Amoroso to submit the City's application to the County for the FY 2016-2017 in the amount of \$256,726.

Comments/requests summaries:

1. Commissioner Amoroso advised that staff needed direction on which improvement from the prior staff recommendations should be pursued on the application. He advised he was in favor of reconstruction of 2nd Avenue South from Dixie Highway to Federal Highway. Vice Mayor Maxwell agreed.

Jerry Kelly, Grants Manager, explained that the City of Lake Worth has been a participating jurisdiction in the Palm Beach County Urban County Program for Fiscal Years 2015, 2016 and 2017, the City will be provided with continued access to funding under Community Development Block Grant (CDBG) program as part of the Palm Beach County Entitlement Jurisdiction. The county has notified the City of its FY 2016-17 CDBG allocation in the estimated amount of \$256,726. The City's application citing a specific project for these funds must be submitted to the County by noon on April 8, 2016. Staff is seeking direction on which proposed project from the specific projects discussed at the Feb. 23, 2016 meeting to cite on the application.

2. Commissioner McVoy inquired about the Osborne Community Center Pavilion improvements and originally lobbied for this improvement. He then questioned the number of substandard and derelict structures that could be cleared to which he advised approximately 20 structures. He advised that removal of up to 30 structures (including 8 that PBC will fund) would provide a significant improvement regarding aesthetics and crime. William Waters commented that many of the structures are still structurally sound. He advised then that he still favored the pavilion improvements.
3. Mayor Triolo commented that a smaller pavilion was improved last year and felt the streets should be addressed, citing there are always concerns to repair the streets.

Jon Faust and Peggy Fisher both expressed they were in favor of the street reconstruction.

4. Vice Mayor Maxwell commented that he took exception to another Commissioner implying that other Commissioners are not representing their own districts properly by not prioritizing projects.

The consensus of the majority of the Commission was the reconstruction of 2<sup>nd</sup> Avenue South from Dixie Highway to Federal Highway.

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

**C. Approval of Interlocal Agreement with the County for Annexation of Enclave**

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to approve the proposed enclave agreement.

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, and Amoroso. NAYS: None.

**13. LAKE WORTH ELECTRIC UTILITY:**

**A. PRESENTATION:**

1. Update on the electric utility system

**B. CONSENT AGENDA:**

**C. PUBLIC HEARING:**

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

**D. NEW BUSINESS:**

**14. CITY ATTORNEY'S REPORT:**

City Attorney Torcivia advised an Attorney-Client Session would be held on April 19, 2016 at 5:00 PM to seek advice regarding the litigation with Lake Osbourne Waterworks, Inc. vs. the City.

City Attorney Torcivia also provided an update on the suit involving the Gulfstream Hotel by stating that the judge had ordered that the parties file a response within 30 days at which time a panel of 3 judges will decide whether there will be a hearing or not, which he believed there probably will be. He reiterated that the basis of the suit is whether the height of the new portion of the hotel would violate the 45' height limit declared invalid by the State legislature.

Commissioner Amoroso questioned why the State wasn't being sued to which Attorney Torcivia advised that the City is being sued because it is the local body enforcing the State requirement.

**15. CITY MANAGER'S REPORT**

**A. Discussion about staff action with regard to Atlanta Braves**

City Manager Bornstein advised that he was requested to provide the expenses and resources incurred related to the Atlanta Braves in Central Palm Beach County. He stated that there has been very little, other than his telephone calls. He added that this time has not been as involved as with the previous discussions. He stated that he has felt comfortable up to this point, however; going forward may require strategies. He did state that Dolores attended the PBC Commission Meeting earlier today.

Regarding the road infrastructure, City Manager Bornstein advised that several in-house meetings have taken place on how to approach reigniting the road repairs. He stated that a few years ago a Paving Condition Index (PCI) was completed and the roads were ranked on condition and cost estimates to rebuild/repair were supplied. He advised that staff was updating the list and having it reaffirmed with the prior engineering group to make sure that the City is dealing with accurate assessments of the roadways. Staff may suggest a facilitator to engage the public in the conversation so there is an understanding of the facts and how to fund it. Hopefully by the end of summer or fall there is a good idea of the projects to be done, the costs, and how to pay for them. The proposed sales tax may also be a future funding factor or the City may want to place a bond issue on a future ballot.

Mayor Triolo inquired when a union update would be available. City Attorney Torcivia advised he was under the impression the meeting was productive until he read a news article last week. He stated a recent meeting with representatives provided an avenue for all parties to vent. They discussed possible resolutions and then staff met for a 3 hour meeting trying to develop a solution to benefit everyone citing there must be compromise to reach a mutual conclusion.

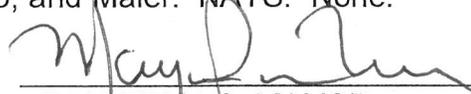
Mayor Triolo reminded the public that changes to the pension were done 6 years ago causing issues. She advised that this Commission has chosen to give raises and bring employees' salaries up but some employees feel they are being forced out of their pensions. All parties need to negotiate in good faith.

City Manager Bornstein also advised that staff is in the process of scheduling several workshops (Historic District, Code Enforcement, and a date for the Homeless Summit), however; it is also budget season and most of the workshops will involve the same key personnel. He thanked the Commission for their patience.

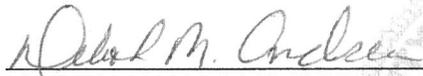
**16. ADJOURNMENT:**

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to adjourn the meeting at 9:20 PM.

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

  
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PAM TRIOLO, MAYOR

ATTEST:

*for*   
\_\_\_\_\_  
KAREN HANCSAK, INTERIM CITY CLERK

Minutes Approved: May 3, 2016

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

