

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
May 3, 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, Andy Amoroso and Ryan Maier. Also present were Acting City Manager John Borsch; City Attorney Glen Torcivia, and Records and Information Manager Deborah Andrea.

2. INVOCATION OR MOMENT OF SILENCE:

Moment of Silence on behalf of Commissioner Maier.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Vice Mayor Maxwell.

4. AGENDA - Additions/Deletions/Reordering:

There were no changes to the agenda as presented.

5. PRESENTATIONS:

- A.** Introduction of Commission on Ethics Executive Director Mark Bannon, who introduced Anthony C. Bennett as a Senior Investigator; he wants to tell everyone that they offer training anytime you need it when it is convenient for you. They are paid by ad valorem taxes and they will not bill us, they are already being paid and they want to help us in any way they can. Prevention is important he has watched a change in the last few years as people have been doing the right things. His office has been giving advisory opinions and have done just under 400 opinions in the last five years. Commissioner McVoy stated that he believed the intent of the Commission on Ethics is to raise public trust. Mr. Bannon talks about the appearance of impropriety and believes the standard has to be "how does this look to the public". Attorney Torcivia speaks with him on a regular basis for the trust in government.

B. Bryant Park Neighborhood Update

Mr. Darrin Engel, Bryant Park Neighborhood Association President, provided the Commission with an update on activities in the neighborhoods. They are a small but diverse neighborhood, with residents from all around the world and he showed a map of the neighborhood, it is in the South Palm Park Association and they are home to Fanny James home and the Gulfstream hotel. It is a vacation destination with 50-foot lots and various architecture. They originated the raft race and they participate every year, one of the biggest events is the Derby day celebration at the Beach Club at golf course. Members of this neighborhood like to volunteer especially to clean up the park. They do a lot of activities with the NAPC with the little free libraries, have lots of activities for children and they all enjoy the park. Commissioner McVoy asked about the shoreline near the Intracoastal by Michael Singer.

- C. Sheriff's office update by Captain Todd Baer. He and Lieutenant David Groover presented the crime data and the uniform crime report for the period of July 1, 2015 through December 31, 2015. Captain Baer spoke about various issues, they are working on reducing crime but robberies are up and some are due to lifestyle issues such as drugs, prostitution and alcohol, overall burglaries are down this year, city wide we are in line with county numbers, auto burglaries are up and residential burglaries are down, unlocked cars are a problem. Violent crimes are due to drugs and prostitution and individuals fighting for territory. Sober Homes, drugs, prostitution and homeless issues are perceived as causes but sober homes and homelessness are not illegal. Arrests are up 15% and officer encounters are up 42% and the officers on the street are working hard. They are doing arrests every day on prostitution and the frustrating thing is they are out in days and the Sheriff's office is working with the State Attorney to try to stop this revolving door. They are looking at sober homes for fraud and they are checking where the overdoses are coming from as they have seen a high number of fatal overdoses especially with Heroin. Calls for service are shown on a map, they are aware that you are not always going to see cops on the streets as they are proactive. They have been working with Code Enforcement and they have had some success. Commissioner Maier is interested in sober homes and what cities can do to address the sober home issues one thing is to report the overdoses, is wondering if we could, Captain Baer is checking on what can be done, but he doesn't want to get into lawsuits. We need the good sober homes but we need to get rid of the fraudulent ones. PBSO is looking for grant money for sober homes issues. The other thing that can be done is to ask for applications to make sure they are living within the codes of our city. Commissioner Maier would like to have a workshop about this. Commissioner McVoy has met and is pushing to get rid of sober homes and bring on the lawsuits, we could start keeping track of the

homes and we need to up our game. Captain Baer would like to get volunteers from all neighborhoods for the COP program. Commissioner McVoy likes the joint ride along with Sheriff Department and Code and meetings with the State Attorney. He would also like to see the statistic numbers for a longer period of time to get a general consensus to see if crime is going down. Commissioner Amoroso wanted to thank him for meeting with him and the State Attorney and he attended a seminar about sober homes, he doesn't want lawsuits because of targeting them. Director of HUD said within 90 days they will have something for us but at the end of the day these people have rights. Mayor agrees with Commissioner Maier and wants to workshop this issue and work with other cities to work together as cities to help solve the problems. Vice Mayor wants to know if the Sheriff's Department meets weekly with code and yes they do, he asked about the balloons on the map and he showed that the officers are going where the crime is. Vice Mayor Maxwell wants to know if we can have a conversation about cameras at various intersections, Captain Baer and the City Manager had this discussion and we are in the process of getting them installed and they should be working this year. They are tracking the homes where they are going and we will be able to call them nuisance homes. Vice Mayor Maxwell wants to somehow get a legal approach to citing the landlords if there are reports coming from one property.

- D. Historic Resources Preservation Board Update: Herman Robinson gave a report about the decision making process of the HRPB, they have had joint meetings with Planning and Zoning. They have reviewed plans for various issues and they have applied for grants in the historic districts. The Gulfstream Hotel will add to our tax base and other new construction downtown but some are in the process and there is some new construction in the historic district. He showed the before and after pictures. They meet monthly and have public comments after their meetings, the staff helps work with standards and guidelines, some of the issues are roofs, windows and fences and demolitions. On May 18th they are going to have a workshop that is open to the public and he wants an open and frank discussion. Board members are volunteers who honor the past but make improvements for the future and community pride. Mayor Triolo wants to look at best policies in various cities, wants to know what legalities are used to make decisions about these properties. The board uses standards and guidelines and the workshop should communicate with the public. Commissioner Amoroso believes that the Workshop should be open to the public and he wants to be hearing from the public. William Waters said that not all issues will be addressed at the workshop on the 18th. We will be working with the neighborhoods in June and July as each neighborhood has different issues and then come back and have a workshop with the Commission, it may require Comprehensive Plan Amendments and/or LDR changes and guideline changes. It is a very complicated topic. We are doing public outreach first and then we will

come back to a workshop for policy changes and we will open up the floor to get public comment. Vice Mayor Maxwell wants to hear from the public and he wants to make sure that everyone is told about the meetings. He voted against the establishment of the Historic Preservation back in the day because it is a difficult issue because he saw the eventual problems with the concept of the historic district. He wants to make sure the word gets out that these meeting are going to be held. Is there a responsibility to let realtors know that the property is in a historic district? There are two grants that have been applied for one is for a survey about a historic district west of Dixie Highway if it is viable and appropriate and if the neighborhoods request it. It will not be established like the last time and Vice Mayor Maxwell wants to know how much of a financial windfall has had on the City and he doesn't think the property values have gone up. Herman Robinson said the cottages of Lake Worth have brought up the values and the Vice Mayor doesn't think so. The Mayor wants to bring up this at the workshop.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner McVoy went to a follow-up workshop for elected officials helping to educate officials about various issues including ethics and a meeting with Enterprise Florida, where they talked about public-private partnerships and he noticed that the New York Times article about resettling the climate refugees due to climate issues in Louisiana and sea level rise and the Federal Government is going to move the entire neighborhood. The challenge is that we could have to move millions due to climate changes and he wants to know how to plan.

Commissioner Amoroso thanked everyone who participated on the Old Bridge cleanup and he talked about the homeless luncheon we attended today, where he met with Lois Frankel. He announced that the Mango Festival is on June 11th, they are going to do a cleanup on May 21st H Street park cleanup behind Compass , penny sales tax will bring in added revenue to Lake Worth and he thinks it's a good thing. He mentioned the artistic utility wraps over the electric boxes around the city and by the beach. Sally Welsh has been hired by the pool, next week the CRA is going to meet with PalmTran to try to bring the bus service back to the beach. Beware of scammers as the City of Lake Worth will not call you to ask for credit card payments over the phone.

Commissioner Maier advised that the Sister City Board now has a quorum and is going to have its first meeting in a long time on Monday May 9th at 6:00 pm.

Vice Mayor Maxwell has received a call from a resident who received a call from someone saying they are with FPL asking for payment of the

utility bill and that FPL just purchased our utility company so beware of scams. He informed everyone that the City Manager's father is not well and Mike is in Tallahassee this week.

The Mayor wants staff to know that the MPO sets aside money for various projects, local initiatives and transportation alternatives programs, she would like us to put projects together that we have already completed and she would like to see them on the list next year. Cities who win the grants get a lot of money for these projects. She wants Jamie Brown, Director of Public Services to get the projects on the list for next year. The Mayor attended the Brian Kirsh Arbor Day celebration and presented a proclamation, was a wonderful celebration as was the Presbyterian Church that celebrated 100 years in the community. Proclamation was brought to the water department and she got to go to the soccer program, a program she loves. The program has grown from 38 kids to 200 kids. The volunteer breakfast was wonderful and congratulations on the receipt of a grant. The Mayor wants to challenge everyone to come out to play pickleball.

Commissioner Maier left at 7:44 p.m. and returned at 7:46 p.m.

Mayor called a 5 minute break at 7:50 p.m.

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

Joann Golden is concerned about the lobbying for baseball, she does not think we should lobby. She mentioned the hurricane preparedness workshop and she thinks the City should get involved and try to put it out for folks especially the new residents and she wants to do more about sea level rising.

Richard Stowe wants attention to an article in Broward Palm Beach New Times entitled 19 best environmentalists, where number 19th was Commissioner McVoy and it was about eco hydraulics in the Everglades and his environmental efforts, he received a call from Elizabeth Colbert, an environmental writer and asked Commissioner McVoy to give her a tour of the everglades.

Ted Johnson talked about a house in his neighborhood and the historic board is telling them the stucco on the house is not right and they have to remove the stucco and he is upset about his new neighbors getting the run-around with staff. He has been proud to live in Lake Worth but now he thinks the City has gone too far.

Maryann Polizzi thanked the City for the new lights as she made calls to dispatch about problems in her neighborhood, and she is excited about

the new lights and with Jack Borsch. She drives her neighborhood and is glad that there are new lights for safety.

Katie McGiveron handed out a handout and she is against the baseball stadium. Spring training stadiums are a bad investment. If she asks a commissioner to pull an item, please pull the item.

8. APPROVAL OF MINUTES:

April 5, 2016 RM, April 19, 2016 RM and April 19, 2016 Closed door session.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Maier to approve the Minutes

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 Amoroso to approve the Consent Agenda.

- A. Approval of one year extension for the Debris Removal contracts for Ashbritt and Ceres Environmental**
- B. Change Order No. 001-Final for Potable Well No. 12 Replacement**
- C. Approval of the purchase of two new Refuse heavy equipment vehicles, an automated side load truck and a container carrier truck**
- D. Approval of the purchase of a new 5 cubic yard dump truck for the Water Utilities Department**
- E. Contract with B&B Underground Construction, Inc. for the North Booster Pump and Elevated Tank Piping Modifications project**
- F. Approve purchase of a new sewer bypass pump for use by the Sewer Pumping Division**
- G. Resolution No. 24-2016 to authorize the submission of a grant application to South Florida Water Management District**
- H. Resolution No. 25-2016 - to authorize the submission of a grant application to the National Endowment for the Arts**

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell and

Commissioners McVoy, Amoroso and Maier. NAYS: None.

10. PUBLIC HEARINGS:

A. Ordinance No. 2016-13 - First Reading and First Public Hearing - amend various sections and tables of the City's Land Development Regulations

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-13 OF THE CITY COMMISSION OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 1 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

Action: Motion made by Vice Mayor Maxwell called the question to approve Ordinance No. 2016-13 on first reading, Commissioner Amoroso seconded the motion.

Mark Rickards asked that the commission approve this item. He has a client with a code amendment in the mix and he is asking that if they have a certain section of the Ordinance they don't want if they can pull just that section and approve the rest of the Ordinance. He is also asking that all commissioners attend the second reading.

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

B. Ordinance No. 2016-15 - First Reading and First Public Hearing - amend Downtown (DT) zoning district, permitted uses table and amend various sections of the City's Land Development Regulations

City Attorney Torcivia read the following ordinance by title only,

ORDINANCE NO. 2016-15 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 3 DIVISION 1, SECTION 23.3-6, PERMITTED USE TABLE; ARTICLE 3, DIVISION 3, SECTION 23.3-14, DT – DOWNTOWN; ARTICLE 4, SECTION

23.4-13 MEDIUM AND HIGH INTENSITY CONDITIONAL USES; PROVIDING FOR SEVERABILITY; CONFLICTING ORDINANCES REPEALED; CODIFICATION CLAUSE; AND EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell to approve Ordinance No. 2016-15 on first reading, Commissioner Amoroso seconded the motion, but he wants a slight change.

Commissioner McVoy thinks this will allow drive-thrus throughout the City and wants to know if it is "spot" zoning, he said there has been quite a bit of discussion about being a bike place and why do we want more drivability. William Waters spoke about the drive thru, the first Ordinance just passed allows drive-thrus for financial institutions in the Downtown Zoning District. The proposed ordinance would allow drive-thrus west of Dixie Highway for commercial uses. Based on an applicant's request and justification for commercial drive-thrus excluding restaurants in this western area, staff is recommending it be approved. Commissioner McVoy thinks this is going to affect traffic. William Waters said the area in question is distinctly different than the eastern section of the downtown. Commissioner Maier heard it is going to be a Starbucks. William Waters said that was not a restaurant and if we approve this request as recommended by the HRPB, then the project advocated by Mr. Rickards cannot go forward. Vice Mayor Maxwell wants to know how we can fix this. Mayor wants to look at investments in the Dixie Highway corridor, we will have possibly 4 non-conforming properties. Mayor is for making the change excluding restaurants. Vice Mayor Maxwell amends the motion.

Tammy Panza thinks there would be a traffic jam if there are restaurants, she agrees for banks but not for restaurants. She does not think it is in the interest of the city and should limit it to banks only.

Commissioner McVoy wants us to think about the unintended consequences, doesn't want Dixie Highway to have more traffic nor thinks it is in the best interest of the city. Commissioner McVoy thinks we don't want lawsuits and he thinks it is foolish to approve this now instead of at the project approval.

Question has been called by Vice Mayor Maxwell but after discussion the Vice Mayor called it back. The Motion was amended by Vice Mayor Maxwell to approve with this language out "Commercial Drive Through (excluding all restaurant uses) west of Dixie Highway."

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

11. UNFINISHED BUSINESS

There were no unfinished business items.

12. NEW BUSINESS:

A. Ordinance No. 2016-16 - Adopt Florida Building Code 2014 Edition and Administrative Amendments

City Attorney Torcivia read the following ordinance by title only

ORDINANCE NO. 2016-16 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 9, "BUILDINGS AND STRUCTURAL REGULATIONS", ARTICLE I, "IN GENERAL", SECTION 9-2.1, "CITY OF LAKE WORTH ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODES ADOPTED", BY ADOPTING BY REFERENCE THE CITY OF LAKE WORTH ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE 2014 EDITION; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Maxwell to approve Ordinance No. 2016-16 on first reading, Commissioner Amoroso seconded the motion.

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

B. Ordinance No. 2016-17 - Adopt Floodplain Management Provisions to continue participation in the National Flood Insurance Program.

City Attorney Torcivia read the following ordinance by title only

ORDINANCE NO. 2016 – 17 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 9, "BUILDINGS AND STRUCTURAL REGULATIONS", ARTICLE I, "IN GENERAL", SECTION 9-3, "SPECIAL FLOOD HAZARD AREA PROVISIONS" TO PROVIDE FOR AMENDMENTS TO THE FLORIDA BUILDING CODE REGARDING FLOOD ELEVATIONS; AMENDING CHAPTER 23, LAND DEVELOPMENT REGULATIONS, ARTICLE 5, "SUPPLEMENTAL REGULATIONS", SECTION 23.5-2, "SUBDIVISION REGULATIONS" TO REFERENCE THE NEW FLOODPLAIN MANAGEMENT ARTICLE; AMENDING ARTICLE 6, "ENVIRONMENTAL REGULATIONS", SECTION 23.6-3, "FLOODPLAIN MANAGEMENT" BY REPEALING THIS SECTION AND ENACTING ARTICLE 7, "FLOODPLAIN MANAGEMENT" TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell to approve Ordinance No. 2016-17 on first reading, Commissioner Amoroso seconded the motion.

Discussion was held about a certain resident in the College Park area who is doing renovations to his home and is concerned about building up the base level to his house and not being able to build up the total height of the house. The maximum elevation has not changed. It is how we measure it. There is a one foot freeboard height requirement above minimum flood for all slabs. The height of a building is measured from this elevation point or 12" above the crown of the road, whichever is less. William Waters explained that residents can seek a variance if their property does not meet the current standards. The new flood plain map is not in effect yet. William said there are lots of issues with insurance and FEMA issues and we will be holding a workshop later this year to address the issues with the new FEMA maps and how it will affect construction.

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: (there is no public comment on Presentation items)

- a. Update on the Siemens project. Jack Borsch gave a presentation about the 18-month construction project, and a payment is due in 2017. He said the project is 2 months ahead of schedule and he went over the savings we have seen for our buildings. They are installing 100 meters a day and 12 quadrants have been completed in the South end of the city. They have to order the decorative lighting and it will take 10 weeks, light poles will be green and the old poles will be repainted. Solar site will be started and it will go before Planning and Zoning and they have held community workshops and there will be more. Commissioner Amoroso said the FDOT poles are all rusted while we are doing these renovations we should reach out to them. Commissioner McVoy said they talked about shields, but Jack said they did not speak about individual shields. Jack will go back and look. Commissioner McVoy said provisions were made in the contract to make sure the lighting is correct and wants to know if there is a procedure for setting the lights as he was told it was field settable. Jack said there was no procedure. Commissioner Maier said he also remembers meeting prior to the signing of the contract where he was told the lighting was adjustable. Vice Mayor Maxwell said we cannot go out and get the approval of everyone in the city. Commissioner Amoroso said the reason we looked at this lighting was because people said they wanted more lights and safer streets. We need to keep going with this and not pick and choose what goes on. Commissioner McVoy said the research shows that crime happens during the day and when you measure the lighting it does not reduce crime. It is not backed up by data. There is measureable data that shows more lighting causes cancer. Issue of color temperature and they asked for 2700 LEDs and he spoke with Siemens and they told him it can be done. He wants us to look at the shielding. Mayor asked that the clerk find the minutes of the meeting

where shields were discussed.

- b. Update on the electric utility system, John Borsch reported that in anticipation of hurricane season they have ordered new poles.

B. CONSENT AGENDA: (public comment allowed during Public Participation of Non-Agendaed items)

C. PUBLIC HEARING:

D. NEW BUSINESS:

14. CITY ATTORNEY'S REPORT:

15. CITY MANAGER'S REPORT

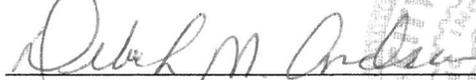
- A. May 17, 2016 draft Commission agenda

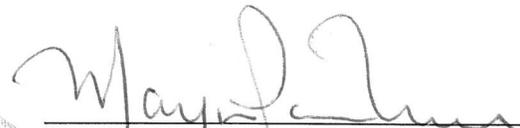
16. ADJOURNMENT:

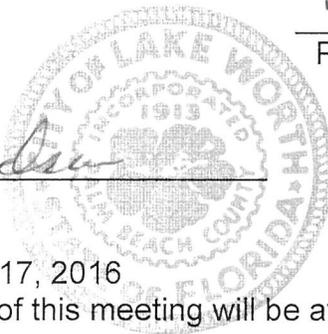
Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to adjourn the meeting at 9:26 PM.

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

ATTEST:


Deborah Andrea


PAM TRIOLO, MAYOR



Minutes Approved: May 17, 2016

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