

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
AUGUST 16, 2016 – 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:02 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 (arrived 6:06 PM), and Commissioners Andy Amoroso and Ryan Maier. Commissioner Christopher McVoy was absent. Also present were City Manager Michael Bornstein, City Attorney Glen Torcivia, and City Clerk Pamela Lopez.

2. INVOCATION OR MOMENT OF SILENCE:

The invocation was offered by Mayor Pam Triolo.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Mayor Pam Triolo.

4. AGENDA - Additions/Deletions/Reordering:

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

- Reorder New Business, Item B to New Business as Item A - Discuss authorizing funds for the Lake Worth "Dollars for Scholars" program; and
- Approve the agenda as amended.

Vote: Voice vote showed: AYES: Mayor Triolo and Commissioners Amoroso and Maier. NAYS: None.

Vice Mayor Maxwell arrived; the time being 6:06 PM.

5. PRESENTATIONS:

A. Bryant Park Living Shorelines project

Daniel Bates, Department of Environmental Resources Management, explained in detail the Lake Worth restoration projects vicinity map, Old Bridge Park site plan, and Bryant Park living shoreline redesign. He discussed the before and after photographs of the Old Bridge Park/Jewell Cove shoreline project and announced that the Jewell Cove planting workday event was held on July 27, 2016. He explained the relocation of the Bryant Park boat ramp from Snook Islands, before and after

photographs of the window trimming of mangroves, and the shoreline along Lake Worth Golf Course.

Lengthy discussion ensued regarding obstruction of view, maintenance of mangroves, and use of seagrass or other vegetation instead of mangroves.

Mr. Bates said the County was looking to build what they had permits and funding for with the stipulation that the County would maintain the mangroves.

B. Proclamation declaring August 31, 2016 as Overdose Awareness Day

Mayor Triolo read a proclamation declaring August 31, 2016, as Overdose Awareness Day.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner Maier: commented that a majority of State Legislators refused to use public funds for the purchase of acreage to allow for toxic water runoffs and said the Sister City Board could not meet last week due to a lack of quorum. He announced that a victim in Tequesta was stabbed and killed by a person on the narcotic drug flakka. He said everyone needed to take note on the seriousness of narcotic usage.

Commissioner Amoroso: did not provide a report.

Vice Mayor Maxwell: announced that the local court system ruled in favor of the City in a lawsuit to obstruct the development of the Gulfstream Hotel. He said he hoped the Gulfstream Hotel owners now had a clear path to work on the development. He asked how much the lawsuit cost the City, and said he wanted to recover the public funds spent on the case.

City Attorney Torcivia replied that the City filed a motion in the court to recover court and legal fees. He said he would provide the Commission with a dollar amount at the next meeting.

Mayor Triolo: commented that she attended an Education Council meeting on August 16, 2016. In the past, she said the City had no formal dialogue with its schools. A lot of directions, during that meeting, were given on ways to open up the line of communication about events. She said hopefully, the City would include school event information with the utility bills, receive quarterly updates from schools, and add school information on the City's website. She cited some of the issues discussed during the meeting.

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

Mayor Triolo read the comment card written by Karen Ryan. Ms. Ryan

wrote thanking the Commission, Code Enforcement, and all who worked to board and secure a house at 1031 North J Street.

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

Nancy Stewart-Franczak, executive director of the Garlic Fest Party, announced that the party would be coming to Lake Worth. She said she wanted to introduce herself, thanked the community for their output of support, and was excited to be coming to Lake Worth.

Cherylynn Randerson said she was concerned about a proposed Wawa Convenience Store at the intersection of 10th Avenue North and A Street, which was zoned commercial. She commented that there was a 100 year old structure on that corner and opposed the 24-hour gas/convenience store. She asked the Commission not to allow Wawa Convenience Store to be built on that intersection.

Lynn Anderson thanked Mayor Triolo for the invocation and said she respected everyone. She commented that there would not have been a lawsuit against the City and the Gulfstream Hotel had the Commission honored a voter approved height restriction referendum election. She said drug users were coming into the City by boat to steal, no one was safe, and there was a need to get serious about the rampant crime.

Maryann Polizzi spoke on various issues; however, she did not write anything on her comment card.

8. APPROVAL OF MINUTES:

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

- A. City Commission Budget Work Session – July 26, 2016**
- B. City Commission Meeting – August 2, 2016**

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

9. CONSENT AGENDA:

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

- A. Agreement for Right of Way Dedication and the Granting of a Permanent Easement for the widening and construction of Boutwell Road improvements**

B. Resolution No. 39-2016 – authorize the Fiscal Year 2016-2017 State Aid to Libraries Grant Agreement

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

RESOLUTION NO. 39-2016 OF THE CITY OF LAKE WORTH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES AND THE CITY FOR GRANT FUNDS PROVIDED THROUGH THE FISCAL YEAR 2016-2017 STATE AID TO LIBRARIES PROGRAM IN THE ESTIMATED AMOUNT OF \$13,394; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

C. Lake Worth Public Library Annual Plan of Service for Fiscal Year 2016-2017

D. First Amendment to an Agreement with E.R. Bradley's Triple Crown Club L.W., LLC dba E.R. Bradley's Lagoon Saloon

E. Ratify appointments and reappointments to the various City advisory boards

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

10. PUBLIC HEARINGS:

A. Resolution No. 40-2016 – Adopt the final assessment roll for non-ad valorem assessment of unpaid lot clearing, board and secure, and demolition special assessments

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

RESOLUTION NO. 40-2016 OF THE CITY OF LAKE WORTH, FLORIDA, RELATED TO THOSE NON-AD VALOREM ASSESSMENTS WHICH MAY BE LEVIED FOR THE COST OF PROVIDING LOT CLEARING, BOARDING AND SECURING, AND DEMOLITION SERVICES TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY WITHIN THE INCORPORATED AREA OF THE CITY; APPROVING THE ASSESSMENT ROLL FOR FISCAL YEAR 2015-2016; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve Resolution No. 40-2016.

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

from the public commented.

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

11. UNFINISHED BUSINESS:

There were no Unfinished Business items on the agenda.

12. NEW BUSINESS:

A. (Reordered from New Business, Item B) Discuss authorizing funds for the Lake Worth "Dollars for Scholars" program

Vice Mayor Maxwell explained that there was a need to work with schools. He said for years he had worked on raising funds for the Dollar for Scholars program, which provided funds to student for college. The City was experiencing large growth, and new job development would rely on the future educated students from the City. He asked the Commission to budget \$25,000 for the Dollars for Scholar program.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Maier to allocate \$25,000 for the Lake Worth High School Dollars for Scholars program.

Comments/requests summaries:

1. City Attorney Torcivia commented that it was always at the discretion of the Commission to determine if usage of public funds benefitted the community and where those funds would be allocated.
2. Mayor Triolo commented that there was a need to keep, retain, and employee children living the City's.
3. Commissioner Amoroso asked about a process to allocate funds because there were other schools and summer programs available for children.

City Attorney Torcivia replied that it would be up to the Commission to annually vote to budget the funds. Other communities designated funds for charitable organizations. He commented that this item was for a one-time allocation; however, if the Commission was thinking about donating to other organizations, then he suggested designating staff to create a protocol.

4. Commissioner Amoroso commented that, moving forward, there was a need to come up with a process.

5. Commissioner Maier asked if there was a dollar amount for each student.

Doris Welsh, Co-Chair of the Dollar for Scholar Committee, replied that \$67,000 was awarded to 40 recipients this year. The \$25,000 could be given to 25 students or it could be disbursed in other ways.

6. Commissioner Maier commented that he supported creating a process and the donation. He asked how City funds would be spent and requested information about Dollars for Scholars be distributed to the public.
7. Vice Mayor Maxwell clarified that this item was a one-time donation because the Commission received requests for donations all the time. He commented that this donation would make an impact on students.

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

Dennis Dorsey said in 1998, the Lake Worth High School Principal wanted him to get involved with the Dollars for Scholar program. Many Lake Worth High School students came from foreign countries and never thought that they could attend college. This donation would go into an endowment with half of the interest earned from that money to be used for scholarships and the other half used to grow the endowment. He commented that a number of prominent people graduated from Lake Worth High School.

Dr. George Lockhart said he was the Lake Worth High School Principal for six years. He announced that \$25,000 from their flea market revenues went towards the Dollars for Scholar program. He commented that the funds would make a big difference to the students.

Dave Cantley announced that he was the Principal at Lake Worth High School from 1980 through the 1990s. He said a lot of scholarships were awarded using revenue from their flea market. He commented that he also learned about the advantages of having an alumni and having a Dollars for Scholar program. The scholarships were awarded to the neediest and, on behalf of the 2017 students, he thanked the Commission.

Doris Welsh explained that the Dollars for Scholar program awarded scholarships for general academic and technical. The applicants were anonymous and had to show a financial need. She thanked the Commission for considering this issue.

Harold Gilmore said he was President of the Lake Worth Alumni Foundation and that Lake Worth was his home town. He attended Lake Worth High School and the school still represented Lake Worth. The money donated was an investment in the City and assured that there would be educated individuals and qualified businessmen and businesswomen who could run

the community. The educated individuals would become the “movers and shakers”. He explained that the Lake Worth High School Alumni paid for all Dollars for Scholars fund raising event costs. He announced that in May 2017, they would celebrate having given away \$1 million in scholarship funds.

Dr. Helen Gilmore said she owed everything to Lake Worth High School. The school was a part of her life and the lives of her other family members and children. She said she became a teacher and Lake Worth High School would like the City’s help.

Lynn Anderson thanked Dollars for Scholar President David Cantley, Vice Mayor Maxwell for bringing this issue before the Commission, and all of the people who worked behind the scenes. She said the City provided many programs for children and providing funds for a scholarship was a great investment in Lake Worth students. She commented that all of the funds went towards scholarships.

Peggy Fisher said she grew up in Palm Beach County and this item was admirable, but there were also many other schools. She supported creating a process to look at other schools and organizations that benefitted children.

Paul Blockson explained that \$25,000 could support 25 students.

Comments/requests summaries:

8. Commissioner Amoroso commented that he wanted to make sure the donated funds stayed in Lake Worth.

Mr. Cantley replied that the scholarship was awarded to any student attending Lake Worth High School. He explained that the donation would go into an endowment and 50% of the interest earned on that donation may or may not be divided into the “scholarship pot.” The remaining 50% in interest would remain in the endowment to grow.

9. Mayor Triolo asked for a more formal process of donating to other organizations be brought back to the Commission. She asked for information about Dollars for Scholar be uploaded to the City’s website.

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

Vice Mayor Maxwell left the meeting at 7:34 PM.

- B. (Formerly New Business, Item A) Ordinance No. 2016-24 – First Reading – regulate balloons and sky lanterns on City property and schedule the public hearing date for September 6, 2016**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-24 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 7 "BEACHES, PARKS AND RECREATION", ARTICLE I "PARKS, RECREATIONAL FACILITIES AND PUBLIC PROPERTY", SECTION 7-1 "DEFINITIONS" AND SECTION 7-9 "REGULATION OF CONDUCT IN PARKS AND RECREATION AREAS AND ON PUBLIC PROPERTY" TO ADDRESS THE REGULATION OF BALLOONS AND SKY LANTERNS ON CITY PROPERTY; PROVIDING FOR SEVERABILITY, REPEAL OF LAWS IN CONFLICT, CODIFICATION, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Action: Motion made by Commissioner Maier and seconded by Commissioner Amoroso to approve Ordinance No. 2016-24 and schedule the public hearing date for September 6, 2016.

Demi Fox, Outreach Coordinator for the Loggerhead Marinelife Center, explained in detail the impact of inflatable balloons and sky lanterns on marine life. She asked the Commission to support the prohibition of inflatable balloons and sky lanterns in an effort to promote the safety and protection of sea turtles.

Vice Mayor Maxwell returned to the meeting; the time being 7:36 PM.

Juan Ruiz, Leisure Services Director, explained that this ordinance provided for regulations to prevent the use and release of balloons and sky lanterns on all City property.

Comments/requests summaries:

1. Vice Mayor Maxwell asked how this ordinance would be enforced and what the penalty was.

Mr. Ruiz replied that prohibition would come from educating the public. He commented that the ordinance was not driven by a violation fine.

2. Vice Mayor Maxwell suggesting supporting Level 2 which included installing signage and distributing educational material. In a community that had so many crime and code issues, this ordinance had no penalty clause.
3. Commissioner Amoroso commented that approving the prohibition was the right thing to do. The ordinance did not include any policing- -it was educational.
4. Commissioner Maier commented that it seemed logical to reduce the effects of inflatable balloons and sky lanterns on sea turtles. A better way to target the effects could be to allow only biodegradable balloons.

He supported the ordinance, but said it was more sentimental. There would be more deputies at the beach, who could enforce the prohibition.

Mr. Ruiz replied that the ordinance could be amended to prohibit balloons and sky lanterns only at the beach.

5. Mayor Triolo commented that she was more comfortable approving Level 2. The ordinance, as written, was for a Level 3. She explained that Level 2 included signage installation and educational materials distributed. Level 3 included the same as Level 2 plus the adoption of an ordinance.
6. Commissioner Amoroso commented that a deposit to rent City property was required. He suggested increasing the deposit amount with staff policing the area. The City could keep the deposit if balloons or sky lanterns were used.

Action: Amended motion made by Commissioner Maier and seconded by Commissioner Amoroso to approve Ordinance No. 2016-24 as a Level 2; staff to come up with something reasonable to enforce; and schedule the public hearing date for September 6, 2016.

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

Peggy Fischer said she had no problem with the ordinance, but the County had started something similar with one park near the water as a test for one year. She asked for something that would have a more immediate impact for the sea turtles.

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

C. Discuss the City Manager's annual evaluation

Vice Mayor Maxwell explained that City Manager Bornstein had been with the City since April 16, 2012; however, to date he had not had a performance evaluation. This item was to establish a date to submit an evaluation form and to schedule the evaluation during a public meeting. He suggested annual evaluations be performed on current and future City Managers.

Comments/requests summaries:

1. Mayor Triolo commented that she was fine with scheduling an evaluation and suggested it be extended to include the City Attorney and Internal Auditor since the Commission hired and fired them.

Vice Mayor Maxwell replied that the City Attorney may not be able to use

the same evaluation form as the City Manager.

2. Mayor Triolo commented that the Internal Auditor had not scheduled a report on an agenda for a long time.
3. Mayor Triolo suggested the City Attorney and Internal Auditor find an evaluation form to use.
4. Vice Mayor Maxwell suggested scheduling the evaluation after October 1, 2016, because everyone was currently involved with the budget process.
5. Commissioner Amoroso suggested in January, after the holidays.
6. Vice Mayor Maxwell suggested scheduling the evaluation during the January 17, 2017, Commission meeting.

Consensus: To schedule the City Manager's evaluation on the January 17, 2017, Commission agenda.

13. LAKE WORTH ELECTRIC UTILITY:

A. CONSENT AGENDA:

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

B. PUBLIC HEARING:

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

C. NEW BUSINESS:

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

14. CITY ATTORNEY'S REPORT:

City Attorney Torcivia provided the following report:

- Announced that the Court ruled in the City's favor in the Viera et al. versus the City lawsuit. He said he would seek recovery of legal fees paid by the City; and
- Announced the next Heroin Task Force meeting was scheduled on August 24, 2016.

15. CITY MANAGER'S REPORT

A. September 6, 2016 – draft Commission agenda

City Manager Bornstein provided the following report:

- Announced that August 16th was National Pirates Day;
- Reminded everyone that the next Budget Work Session was on August 23, 2016, at 6:00 PM;
- Reminded everyone that a Work Session to discuss road improvements was scheduled on August 25, 2016, at 6:00 PM; and
- Announced that the City distributed a media release regarding alcohol package store prohibition.

Vice Mayor Maxwell replied he was late because he was meeting with eight package store owners. He explained that the City adopted an ordinance regarding alcohol prohibitions. Convenience store operators were in the business of making money, but the Commission was in the business of keeping its residents safe. A lot of bad things were going on late in the evening, and the level of Fire/Rescue and Palm Beach Sheriff Office (PBSO) calls for assistance were high. The eight owners were committed to being a part of the solution and wanted the hours of alcohol sale changed back. The owners wanted to work with PBSO to resolve some of the issues. He said this community had a 30% poverty level, and those owners' business models catered to those poverty level customers.

Commissioner Amoroso replied that the Commission had talked about the alcohol prohibition. The reason why the Commission was now hearing from businesses was because they did not police themselves. The businesses did not want to call PBSO because of the City's chronic nuisance laws.

Vice Mayor Maxwell replied that this prohibition may reduce prostitution. He said he continued to support the prohibition.

Commissioner Amoroso left the meeting at 8:09 PM.

- Announced that someone on behalf of the Wawa Convenience Store had contacted staff about development at 10 Avenue North and A Street. He explained that staff told them there were too many variances needed. He said people could ask for anything on property, but a Wawa Convenience Store on that property would be very problematic.

16. ADJOURNMENT:

Action: Motion made by Commissioner Maier and seconded by Vice Mayor Maxwell to adjourn the meeting at 8:11 PM.

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



PAM TRIOLO, MAYOR

ATTEST:



PAMELA J. LOPEZ, CITY CLERK

Minutes Approved: September 6, 2016



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